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MEMORIALS

OF THE ENGLISH AFFAIRS

FROM

THE BEGINNING OF THE

REIGN OF CHARLES THE FIRST

TO THE

HAPPY RESTORATION

OF KING CHARLES THE SECOND.

BY

BULSTRODE WHITELOCK.

A NEW EDITION, IN FOUR VOLUMES.

VOL. II.

Quæque ipse miserrima vidi,
Et quorum magna pars fui. VIRG. Æn. ii. 8.

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MEMORIALS

OF

THE ENGLISH AFFAIRS

DURING THE REIGN OF

KING CHARLES THE FIRST.

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26. UPON the debate of the king's last letter, a committee was named to draw up an answer to that message, adhering to the former resolutions, to have the propositions first despatched, and assented to by his majesty. Ann 1646. March 26. 22 Car. Answer to the king's letter.

A committee of both houses was sent into the city, and communicated to the lord mayor and common-council his majesty's last letter, and made some observations upon it, and informed them of the danger by the great number of malignants coming from the king's quarters to London, desired the care of the militia in searching for and apprehending them, and that the lord-mayor, aldermen, and common-council would meet both houses at Christ Church on the thanksgiving day. The city cajoled.

An ordinance sent to the lords authorizing the commissioners of the customs to pay 1000*l.* per annum to every one of the judges and barons of the exchequer for their salaries, and in lieu of all fees.

Two letters taken about sir Jacob Ashley, of great intelligence, read in the house.

Letters informed that all the lord Hopton's forces were disbanded, according to the articles, and a proclamation for all of them the next day to depart, or else to be taken as spies; that the disbanding was done with great civility on

both parts; and not the least insulting by the parliament's forces, nor the value of sixpence taken from them by any of their army.

That orders were given for the army to march eastward, except two or three regiments left to block up Pendennis-castle; which being summoned, they returned a peremptory answer of denial. That a ship of the parliament's, upon intelligence, came into Falmouth harbour, and hauled a Dunkirk ship, who gave two broadsides; but after a little dispute, the parliament's ship boarded the Dunkirker, and put all the Irish in her to the sword, and took the rest prisoners.

That Helford-fort was surrendered to the parliament, and in it six pieces of ordnance, and will straiten Pendennis-castle.

That lieutenant-colonel Ingolesby, going to view the castle, was shot by a musketeer, whereof he died within three hours; and that major Cobbet was shot.

Both houses invited to dinner.

27. The city invited both houses of parliament to dinner at Grocers'-hall on the thanksgiving-day.

A fast-day was kept by the English and Scots armies before Newark.

Intelligence came that a party from Dunnington-castle sallied out upon Dalbier's men, killed some, took fifty prisoners, and the mattocks, &c., of the pioneers.

Paul Best's blasphemy.

28. Debate of the blasphemies of Paul Best. Divines ordered to confer with him, to convince him of his sin; and that a charge be prepared against him.

Order for 4000*l.* for the Scots reformados.

Consideration of six preaching ministers to be sent down to Hereford, and to have 150*l.* per annum each of them.

The governor of Plymouth sent a party to Ince-house, a garrison of the king's, which they summoned to surrender to the parliament, but the garrison returned a scornful answer; upon which the Plymouth men prepared for a battery; but as soon as the great guns came, the garrison begged for quarter, and had it, and left their arms and ammunition.

Sir Thomas Fairfax marched towards Exeter.

30. The invitation of the prince to come in to the parliament's quarters passed, and sent up to the lords.

Answer to the king's letter.

The answer agreed on to the king's last letter, in substance, that they did not conceive it safe for his majesty or his subjects that he return to the parliament till he have as-

sented to the propositions which they are about, and will be shortly sent to him.

The commission read for the lord L'Isle to be governor of Ireland.

The lords desired the commons that they would give leave that one imprisoned by them might be sent for, and examined by the lords touching a dangerous book, lately published, called, *The last Summons, or Warning-Piece to London;* to which the commons did agree.

Order for 300*l.* for sir Peter Smith in part of his arrears for service in Ireland, and for disposal of the prisoners in Gloucester, and for sending down the ministers of Cornwall, &c. to their charges.

Colonel Morgan, colonel Birch, and sir William Brereton, with their joint forces, marched to Worcester, and summoned the city to surrender to the parliament, and informed them that the king had no forces to relieve them. Worcester.

They answered, that if it had been so, they supposed they should have known the king's pleasure therein, till when they would not surrender the city.

The besiegers replied, that they would not inform them an untruth; but that they might the better inquire, and prevent their own ruin, they would for a short time draw off a little further from them.

Dunnington-castle, being much endamaged by the granados, desired liberty to send to Oxford, and upon answer from thence would come to a treaty.

High-Archal was surrendered to the forces of Shropshire, with all the arms and ammunition.

31. Letters from sir Thomas Fairfax desired favour to some gentlemen that came in to him from the king's quarters; and it was referred to a committee, to state their several cases.

Mr. Steward, who had the parliament's protection, was discharged from an arrest, and order for money due to him to be paid.

The commons voted, that in case the king (contrary to the advice of both houses of parliament already given him) shall come, or attempt to come, within the lines of communication, Vote of the commons.

That then the militia of London, with advice of the committee of lords and commons for the army, shall raise forces to prevent and suppress any tumult that may arise by his

coming; and to apprehend such as shall come with him, or resort to him, and to secure his person from danger. And the house ordered, that all who had borne arms against the parliament should depart London by the 6th of April, or else to be taken as spies.

The lords concurred in the letter of invitation to the prince, and in the answer to the king's last letter.

A summons was sent into Newark on Saturday, to render the town to the use of the parliament; and they took time till Monday for their answer.

April, 1646. 1. Passes for some to go beyond seas.

Difference about the ordinance for martial law in London.

Order that the proclamation for delinquents to depart London be proclaimed by beat of drum and sound of trumpet.

Intelligence came from the governor of Reading of a design of the king's to come to London suddenly.

The answer to the king's last letter sent away, and commissioners from both houses and from Scotland to be named to present the propositions to the king.

Debate touching matters of religion.

Dunnington-castle was surrendered upon articles to colonel Dalbier for the use of the parliament, and in it six pieces of ordnance, arms, and ammunition.

Colonel Bestworth, high-sheriff of Hampshire, fell upon a party of Oxford horse, fetching provisions out of Berks, and took about eighty prisoners of them.

The general marched towards Exeter.

2. The day of public thanksgiving, both houses were highly feasted by the city at Grocers'-hall.

3. The ordinance passed for martial law in London upon such as shall offend against the articles then agreed on.

Order for colonel Grave's regiment to be removed nearer Oxford; and referred to the committee of both kingdoms, to
200 consider of blocking up the passages between Oxford and London, and for the disbanding colonel Starre's regiment, and for continuing the assessment for sir Thomas Fairfax's army for four months longer; and that an account be given to a grand committee of the house of all receipts by ordinances and assessments, and how they may all be brought into one way through the same hands.

Paul Best. Paul Best brought to the bar, heard his charge, and by his

answer confessed the Trinity, and that he hoped to be saved thereby: but denied the three Persons, as a jesuitical tenent.

A day was set to determine this business; and in the meantime some of the members of the house appointed to confer with Best, to convince him of his errors.

Letters informed of sir Thomas Fairfax's return to the siege of Exeter, and the garrisons for the parliament made great shouts and volleys for joy of his return. That he and the lieutenant-general and others rode about the works, and within musket-shot of them, to view them; and afterwards, by advice of his council of war, sent a summons to the governor to surrender Exeter: and he returned answer, that he was contented that commissioners on both parts might treat about the surrender of that city, and that the commissioners were to meet about it. Exeter.

The general sent three thousand horse to join with colonel Fleetwood to straiten Oxford.

The Abington horse and colonel Bestworth fell upon a party of six hundred horse of the king's going to Farrington, routed them, took three hundred of their horse, many prisoners, and pursued the rest to the walls of Oxford, and lost but one man.

Sir William Brereton, colonel Morgan, and colonel Birch, withdrawing from Worcester, fell suddenly upon Bridgenorth, entered the town by storm, drove the enemy into the castle, where they have closely besieged them.

The garrison of Newark made a sally upon lieutenant-general Poyntz's quarters; thirty of his men were killed and drowned, captain Jephson and captain Murray slain with the wind of a cannon bullet; but after a sharp encounter, the Newarkers were beaten back again, some slain, and some of them taken prisoners. Newark.

6. Order to prevent danger by the multitude of delinquents remaining near to the lines of communication.

A pass granted to the wife of Mr. Endymion Porter to go into France to her husband.

Votes to continue the northern association for six months: the forces there to be eight thousand foot and two thousand horse, and to be under the command of sir Thomas Fairfax.

Oxford was much blocked up by colonel Fleetwood, Ireton, Rainsborough, and the Abington forces.

The earl of Northampton came to London to go beyond sea, but was ordered to go out of the lines of communication, and his horses were restored to him.

The lord Culpepper, sir Nicholas Crispe, and colonel Monke landed in France.

The king's forces quitted Barnstable and betook themselves to the castle.

Portland-castle was surrendered to the parliament: the garrison had liberty to go to their homes, leaving their arms behind them.

7. A brass statue in Windsor church ordered to be sold, and the money to go for pay of the garrison.

Both houses conferred the place of master of the new hospital at Leicester upon Mr. George Grey.

Scots dissent.

The Scots commissioners sent in a paper of their dissent in some points to the propositions touching religion and the militia: the house named a committee to debate the points with the Scots commissioners, and to endeavour to satisfy them.

A committee named to consider of settling a preaching ministry in all places; and about presentations belonging to delinquents, bishops, deans, and chapters.

Major-general Poyntz went on in his approaches at Newark, and turned the river from the town on the north side: the Scots took Sandy-fort, near the castle.

Montrose's forces were beaten from Inverness in Scotland, two hundred of them killed and taken.

8. Debate upon the ministers' petition.

Colonel Morgan and his forces blocked up Worcester, on St. John's side.

Colonel Fleetwood blocked up all the passes by Woodstock side to Oxford, and besieged Radcot and Bostal-house.

Colonel Whaly goes on in the siege against Banbury.

9. A petition from the poor inhabitants near Dunnington-castle, whose houses were burnt by the late governor for the king, and the articles for surrender of it read.

Order for the arrears of colonel Kerre, late governor of Plymouth.

Ordinance sent to the lords for making the lord L'Isle lieutenant of Ireland.

Order about delinquents' resort to London.

Intelligence came that the king's forces in Bridgenorth-castle, because the town did not bring in to them a month's provisions, shot granados into the town, and fired most part of it.

The king's forces also fired the greatest part of Farrington, to prevent the parliament's forces from having of any shelter there.

10. Referred to the committee of both kingdoms to employ the forces under colonel Dalbier, and such other forces as could be spared, for the blocking up of Oxford, and to preserve the adjacent counties from plunder.

A committee named to draw up an ordinance, in the nature of a general summons to all the king's garrisons, to surrender to the parliament, under a penalty; and not to demolish, fire, or destroy any of those garrisons, or of the adjacent houses.

Upon information that the governor of Bridgenorth had burnt the town, the house revoked the power of the committee of Salop to treat with him.

The ordinance passed for trial of Mr. Murray.

Debate about Mr. Withers's book, reflecting upon a member of the house.

11. A committee of both houses named to give their answer to the Scots papers touching the propositions for peace.

Debate touching the ministers' petition about commissioners to judge of scandalous offences, &c.

News came that the articles were agreed for the surrender of Exeter, and four hostages given by them for performance of them, colonel sir J. Coventry, sir James Thyn, colonel Croker, and another; and that three of their forts were surrendered, and the conditions were very honourable; one, much insisted on, was, that the cathedral should not be defaced. Exeter surrendered.

The general advanced towards Barnstable, and sent parties to besiege Saltcombe and Dunster-castle.

13. Letters from sir Thomas Fairfax certified the surrender of Exeter, and that he had nominated colonel Hammond to be governor there, which the house approved. 201

Lieutenant-colonel Grimes and Mr. Potter, messengers from sir Thomas Fairfax of this good success, had 100*l.* apiece given them.

Letters from major-general Mitton informed the surrender

of Ruthin-castle to him, and in it two drakes and a murdering-piece, arms, ammunition, and provisions.

That captain Simkins and captain Carter fell upon the enemy near Denbigh, killed seven of them, and took divers officers and soldiers prisoners.

That sir Trevor Williams fell upon a party of those of Ragland, killed fourteen, and took forty prisoners, and arms; that divers officers and others came in to him to submit to the parliament.

Colonel Mason, by desire of major-general Mitton, was made governor of Ruthin-castle; and Mr. Fogge, a minister that brought these letters, had 50*l.* for a gratuity.

Letters certified divers good successes of the parliament's forces in Ireland, and the taking of the earl of Thomond prisoner.

14. Debate about reducing the receipts of the kingdom into one general way.

Order that committees shall not meddle with any matter of title, or any private interests between party and party, without special authority from both houses of parliament.

Vote. Upon a book of printed papers touching the Scots differing about the propositions for peace, both houses voted, that the matter in those printed papers was false, and scandalous against the parliament and kingdom of England, and should be burnt by the common hangman; and a declaration to be of the truth of those proceedings, and that the author of this book was an incendiary between the two kingdoms.

Scots papers. It was not without some ground of suspicion that some of the Scots commissioners themselves, encouraged, if not appointed, the printing of this book, which caused the more sharpness in divers towards it.

Order for other papers to be published about the payment of their army, religion, and the propositions for peace.

15. The ordinance for the assessment for sir Thomas Fairfax's army sent to the lords, to be continued for four months longer.

A convoy ordered for ships trading from Newcastle, and the northern parts.

An ordinance sent to the lords for constituting a church in Dover, for the protestants, French, and Walloons.

A pass granted to the earl of Northampton to go beyond sea.

The siege of Newark went on smartly, and the town wanted provisions.

Barnstable was surrendered to the parliament on the same terms as Exeter, and sir Thomas Fairfax was upon his march towards Oxford; many old soldiers wondered at his speed.

16. A committee named to consider of the breach of privileges of the parliament in the ministers' petition.

A committee named to consider of those well affected persons who had offices in the court of wards, which would be lost by taking away of that court, and how they might be recompensed, particularly the lord Say and sir Benjamin Rudyeard.

17. Order to license the East India Company to transport 5000*l.* of foreign bullion.

A petition of the lord Inchequin, lord Broghil, and others, referred to the committee of the Irish affairs.

Maintenance, as formerly, continued to sir Robert King, Mr. Annesley, and colonel Beale, the parliament's commissioners in Ireland.

The declaration touching the Scots papers passed, and ordered to be printed.

Colonel Rainsborough's men received some loss attempting to storm Woodstock manor.

18. Major Dingley made governor of Evesham.

The Declaration was published upon occasion of the Scots papers, and to settle a right understanding between England and Scotland, and to vindicate the proceedings of the parliament of England: the same is in print, and worth the reading. Declaration.

Letters from the army informed that Exeter was surrendered according to the articles, and sir John Berkley, the governor, marched forth with about two thousand men; that as soon as they were out of the gate, seven hundred of them, being Cornish men, and divers others, laid down their arms, and went to their own dwellings, and that sir Allen Apseley was to surrender the fort the next day.

20. Order for 10,000*l.* per annum for the queen of Bohemia, and for money for the prince elector.

Order for the chambers of Mr. Mostyn and Mr. Stampe in the Temple to be given (I think) to Mr. Hill.

A message from both houses to the Scots commissioners

desired their speedy answer touching the propositions for peace, that they might be speedily sent to the king.

Mr. Norfolke and others made sergeants-at-arms.

The batteries went on against Newark, and the garrison desired liberty to send to the king about surrendering of it.

Sir William Brereton summoned Litchfield close to surrender, and informed them of the defeat of sir Jacob Ashley, and the rendition of Exeter, Barnstable, &c.

Sir Thomas Tidsley and colonel Bagot returned a short and peremptory denial.

Power of parliaments.

21. Almost the whole day was spent in debate of the ministers' petition, and many votes passed, for the power of parliaments in spiritual matters (sought to be impeached by this petition) as well as in temporal, and questions ordered to be drawn up concerning government *jure divino*, to have the answer of the assembly thereunto.

The preface to the pamphlet, entitled, *The Scots Commissioners' Papers, and the stating of the Question concerning the Propositions for Peace*, were burnt by the hangman.

In Exeter the parliament had thirty pieces of ordnance, store of ammunition and provisions; Mount-Edgecombe was surrendered to colonel Hammond, governor of Exeter, and in it thirty pieces of ordnance, store of arms and ammunition.

The earl of Bristol and lord Pawlet had leave to stay some time in Exeter, to make their peace with the parliament, or to get passes to go beyond sea.

Orders.

22. Order, that every member that came into the house after prayers should pay 1*s.* to the poor.

For a new election, and for a new high-sheriff. For payment of a debt for arms, and for continuing the committee of Middlesex.

202 Lieutenant-general Cromwell and sir Hardress Waller came to London from the general, to advise about the motion of the army.

The king's party gave out that six thousand Irish were shipped for Wales; that Montrose, with twelve thousand men, was upon the borders, advancing to the king, and their hopes

Differences.

upon the differences between the presbyterians and independents, and between the Scots and the parliament.

23. Lieutenant-general Cromwell sat in the house, and

the speaker (by command) gave him the hearty thanks of the house for his good services.

Differences between sir John Danvers and the lady Gargrave referred to a committee.

Order for 15,000*l.*, a month's pay for the Scots army before Newark, the country not being able to bear their quarter.

St. Michael's Mount surrendered.

Order to recommend to sir Thomas Fairfax the speedy reducing of Oxford and Newark.

Colonel Birch besieged Ludlow.

24. Votes for money for Ireland, and for other Irish affairs, and the whole day spent concerning that kingdom.

25. Upon a letter from colonel Ireton, ordered, that notice be given the general, that if his majesty should by any letter or writing under his own hand send to the general or any commander for the parliament concerning any overture for peace, that the same shall with all convenient speed be sent to both houses of parliament.

Letters from colonel Rainsborough informed, that Mr. Fountaine the lawyer was come in to him, and that the house ordered that he be sent prisoner to Bristol.

Colonel Morgan voted to be governor-in-chief of the forces in Monmouthshire.

Order for a new high-sheriff.

An ordinance sent from the lords for a committee at Haberdashers'-hall was rejected.

Directions sent from the house to the general, to dispose of the army as he shall think fit, in relation to Newark and Oxford.

Letters of the surrender of Dunster-castle to colonel Blake for the parliament, and of Titbury-castle to sir William Brereton, and of Aberustwith-castle, all upon conditions, and leaving their ordnance, ammunition, and provisions to the parliament.

26. Commissioners from Oxford, the earl of Southampton, the earl of Lindsey, sir William Fleetwood, and Mr. John Ashburnham, and the commissioners for the parliament, colonel Rainsborough, colonel Fleetwood, major Harrison, and major Desborough, agreed on articles for the surrender of Woodstock-house to the parliament, with their arms, ammunition, ordnance, and provisions.

Major Desborough, who brought the letters thereof to the house, was called in, and had the thanks of the house for his good services, and 100*l.* bestowed upon him.

He acquainted the house that a private overture was made by the earl of Southampton for the king's coming to London, as had been before, to colonel Ireton: they declared all addresses this way, and not to the parliament, to be indirect, and an obstruction to the proceedings for peace.

Debate of the Scots papers.

Debate of the Scots papers, which were,

1. A negative to some points concerning the propositions for peace.

2. To have the militia limited for a time.

3. Concerning Ireland.

4. A collection of passages of the parliament's touching uniformity in matters of religion.

Vote for 800*l.* per annum for the bishop of Durham.

Summons were agreed to be sent into Newark before the storm: the plague was hot in the town.

Sir Thomas Fairfax came to Newbury with his army, which troubled Oxford.

Debate about reducing all accounts into one way, and an ordinance read for draining the great level of the fens: they denied to join with the lords in admitting the earl of Northampton to his composition, but adhered to their former resolution, that the earl and his company go beyond sea.

Voted that when Newark shall be reduced, the works of it be slighted.

Answer from the prince.

A trumpet came with an answer from the prince to the parliament's invitation of him, and he desires a pass for the lord Capell to go to the king, to make him some overtures from the prince, and that the primate of Armagh may come to him.

Letters informed the surrender of Bridgenorth upon articles, and a letter of thanks ordered to the committee of Salop for their good service, and that colonel Lloyd be governor of Bridgenorth.

A day of thanksgiving ordered.

The garrison in Banbury-castle desired liberty to send to the king about the surrender of it, but colonel Whaly would not grant it.

Letters informed good successes of the parliament's forces

in Ireland under the lord Broghill, captain Moulton, and others.

29. The day of the monthly fast; the house met in the evening, and several new members took the covenant, and they ordered an ordinance to be brought in for a more strict observation of that day, and another for punishment of heresies and such as divulge them, and another for further conviction and punishment of recusants.

30. The northern association continued, and reference to a committee to examine affronts given to the major of Berwick by some officers there.

A committee named to consider of a fit place for a gaol for Yorkshire.

The queries passed concerning church government, and upon the point of *jure divino*, and some members of the house appointed to deliver them to the assembly. Church government.

Letters informed that the king was escaped out of Oxford in disguise with Mr. John Ashburnham and one more, but which way he was gone was uncertain.

Letters from colonel Rainsborough informed that the king was escaped out of Oxford, but no further; and that the duke of Richmond, the earl of Lindsey, sir William Fleetwood, sir Edward Sydenham, and Mr. Carew came to him, casting themselves upon the mercy of the parliament: the house ordered them to be sent prisoners to Warwick-castle. The king leaves Oxford.

Ordered that no persons coming out of Oxford should be admitted to any parley or treaty, except for the surrender of that garrison, or some fort thereof.

Letters from colonel Mitton informed that the archbishop of York, Dr. Williams, had betaken himself to his house at Purin near Conwey, put a garrison therein and fortified it, protesting against the king's party, and persuading the country against payment of contribution to Conwey. Dr. Williams. 203

That the lord Byron, upon notice of the bishop's revolt, sent out a party from Conwey to besiege him, and the bishop sending for assistance to major-general Mitton he drew out a party to interpose.

Letters from colonel Ireton's quarters informed that captain Gibbons, who commanded Ireton's regiment, took four troops of that regiment, with a party of dragoons and some of Henley foot, and fell upon a village called Cromash,

joining to Wallingford, took divers prisoners of the garrison of Wallingford, beat the enemy into the castle, and possessed the place, being of great advantage for the reducing of that garrison.

May 1646. 1. Order to proceed in the election of a knight of the shire for Chester, though there be no chamberlain there.

Augmentations to ministers' livings by the committee of plundered ministers were approved by the house.

2. Debate touching the court of wards.

The lord Pawlet, after much debate, was admitted to his composition by request of the general: and upon a petition of the town of Lyme the house ordered that they should have reparations out of the lord Pawlet's estate for the great losses they had suffered by him.

Order that no papist that hath been in arms against the parliament shall be admitted to his composition.

A general training appointed, and the militia of London ordered all shops to be shut on that day.

Letters informed that upon a second summons to Newark, the governor, Bellasis, after time taken to consider, sent a trumpet to lieutenant-general Poyntz, that by advice of the council of war in the town they were willing to treat for the surrender of that garrison upon honourable conditions, and commissioners to treat were appointed on both sides: the messenger had 10*l.* for a reward.

Letters informed that the general marched through Abington, where major-general Browne gallantly entertained him, and took up his quarters at Garrington; that colonel Trevor and sir Jo. Vaughan came in to him at Oxford.

That the army was on both sides the river, intending closely to begirt the city; that the king is gone for London, as is supposed, and that a hundred officers are come out of Oxford.

4. Letters from the general before Oxford informed confidently that the king was in London, whereupon both houses declared by beat of drum and sound of trumpet,

Declaration. That what person soever shall order or conceal, or know of the harbouring or concealing of the king's person, and shall not reveal it immediately to the speakers of both houses, shall be proceeded against as a traitor to the commonwealth, forfeit his whole estate, and die without mercy.

An ordinance committed for all papists, officers, and sol-

diers of fortune, that have come out of the king's quarters, to remove twenty miles from London, and power given to the militia of London to search within twenty miles of London for all papists, malignants, and suspected persons, and to secure and disarm them, and to search for arms: this to continue for twenty days.

The general training was put off.

Orders for provisions for the army.

5. Upon letter from Thomas Fairfax of suspicion of the king's being gone towards the associated counties, care was taken for their security, and colonel Russel sent down to the Isle of Ely, and colonel Wharton to Lynne.

Sir Hardress Waller named to be governor of Jersey.

A petition of many of Hertfordshire against tithes, but nothing was done in it.

Letters from the general's quarters informed that the general quartered at Heddington, within a mile of Oxford: the horse were so disposed as to prevent the enemy's sallies forth: the foot thus:

The general's regiment and colonel Pickering's at Heddington, the major-general's and colonel Harley's at Marston, colonel Herbert's and colonel sir Hardress Waller's regiments at Cowley, the train of artillery at Ellesfield.

An hundred officers and soldiers came forth of Oxford in two days; many of quality have sent for passes to go forth; the lady Hertford, lady Digby, lord Stourton, and many of quality; but the general denies all, except it be for treaty or parley.

That the grandees in Oxford give it out the king is in London, and hath made his peace with the parliament; that Wallingford was blocked up on the one side by the forces of Reading and of Henley, and on the other side by colonel Welden.

That the governor of Wallingford sent a letter to the general desiring him not to make his approach to the castle, for then he must be forced to fire the town; which he the rather urged, because he heard the king was in London, and upon agreement with the parliament, so that he hoped in seven or eight days to receive a command from his majesty for the surrender thereof.

Some foot sallied out of Oxford, but soon retreated; a

party from Farringdon did some hurt in the general's quarters.

6. Letters from the commissioners of the parliament before Newark and from lieutenant-general Poyntz certified, that the king came to the quarters of the French agent at Southam, and thence sent to general Lesley, and was conducted by a troop of horse into the Scots army, where he now remains.

The king in the Scots army.

That the commissioners, soon after his coming, sent a letter to the commissioners of the parliament to acquaint them therewith, which letters were read in the house, and an abstract of a letter from Paris, discovering what was written from the king to the queen, touching his going from Oxford.

Upon debate the commons voted,

Vote.

That the commissioners and the general of the Scots army be desired, that his majesty's person be disposed of, as both houses shall desire and direct, and that he be thence disposed of and sent to Warwick-castle.

That Mr. Ashburnham and the rest that came with the king to the Scots army be sent for as delinquents by the sergeant-at-arms.

The commissioners of parliament before Newark were to acquaint the Scots general with these votes, and to take care that Mr. Ashburnham and the rest be sent up to the parliament, and they were to make a narrative of the king's coming to the Scots army, and to present it to the house.

Thirty pounds given to lieutenant-general Poyntz's secre-
204 tary, who brought these letters, and 30*l.* to the messenger of the commissioners.

Order for reducement of major-general Massey's horse, and those forces to be disposed of by the general.

7. An ordinance sent to the lords for establishment of the garrison of Hull, and order for ammunition for them.

Order for a new election.

Order for a letter from the speaker to the committee of Northumberland, to send some forces to preserve Holy Island, a place of great concernment.

Provision of money for Plymouth and other garrisons.

Letters intercepted.

8. Letters intercepted and read in the house, going from the Scots commissioners here to the Scots commissioners at Newark, of great concernment.

A committee was appointed to examine the manner of the stay of the gentlemen that carried these letters.

Order to desire the Scots commissioners in London, that Mr. Wakerly, who signed the letter to the lord Balcarris, might be examined by a committee, and that the speaker should deliver to the Scots commissioners here such of the letters as they desired and should claim as their handwriting.

Other letters were read from the Scots commissioners in London concerning the king's being in the Scots army, and their persuading him to deliver up Newark to the committee of both kingdoms for the use of the parliament of England, which is to be surrendered to the commissioners for the parliament upon articles the ninth of this instant May: the house sat this day till nine at night.

A letter from the Scots general and the committee of estates of Scotland, now with the Scots army, to the committee of both kingdoms, informed,

That they were astonished at the providence of the king's coming into their army, which was so private, that it was long ere they could find him there, and now desired that it might be improved to the best advantage for promoting the work of uniformity, for settling of religion and righteousness, and attaining of peace according to the covenant and treaty, by advice of the parliaments of both kingdoms or their commissioners. Letters from the Scots.

That they declare there hath been no treaty betwixt his majesty and them, and in so deep a business they desire the advice of the committee of both kingdoms, &c.

9. The articles of the surrender of Newark brought to the parliament. After the surrender, the Scots army drew off and retreated about four miles, the king with them in the army.

An hundred pounds given to the colonel that brought these letters, and 30*l.* to the other messenger.

Banbury-castle was surrendered to colonel Whaly upon articles.

Order for thanksgiving to God for these mercies.

Fifty pounds given to Mr. Row, the commissioners' secretary before Newark.

A committee appointed to draw reasons to satisfy the lords for demanding the king's person, as was formerly voted.

11. Letters advised of the king's advancing northwards with the Scots army, and that a house was preparing for his majesty in Newcastle: this caused the resuming of the debate for demanding the king's person, but voted to be disposed of and to reside near his parliament, not to go Warwick-castle.

The lords' concurrence desired to votes,

Votes.

That his majesty be desired to give command for the delivery up of all forts in England, Ireland, and Wales, into the hands of the parliament, and to dissolve the commissions for peace with the Irish rebels, and to leave the prosecution of that war to the parliament's care.

Letters from colonel Whaly of the surrender of Banbury-castle upon articles, and left there ten pieces of ordnance, five hundred arms, nine colours, arms, ammunition, malt, beef, wheat, biscuit, twenty cows, and sixty sheep.

An hundred pounds ordered to colonel Whaly to buy him two horses, and 50*l.* to the engineer, 20*l.* to the messenger.

Particulars of the surrender of Newark.

Letters of the particulars of the surrender of Newark; that there went out with the lord Bellasis the governor, the lord Deincourt, the lord Lexington, twelve knights, and many gentlemen; of one thousand five hundred foot, all went to their several homes; that the articles were exactly performed, and they left in the town fourteen pieces of ordnance, three thousand arms, store of ammunition and provisions, and the town very strong, but the sickness was violent in it.

Letters of oppressions by some of the Scots forces in the north, upon whom the country rose, and some of both parties were killed.

A day appointed to consider thereof, and of sending forces into the north to protect the well affected, and to hinder resort of malignants to the king, and how to dispose of the Scots and other forces, and of Carlisle, and other forts which the Scots supplied, being in their hands.

12. The day of thanksgiving observed.

Letters of the Scots army being on their march northward, the king in the van of them, and that the Scots commissioners desired a meeting with the English commissioners, to give an account of their sudden departure, and reasons for their not delivering up Mr. Ashburnham according to the order of parliament.

Letters that sir Thomas Fairfax had made his approaches

near the works at Oxford, and finished the bridge at Marston; that Oxford garrison made a sally out, but were beaten back, one of their men killed, and one of the parliament's wounded; that the approaches were so near, that the officers and soldiers of either parties parleyed one with another, and those of the garrison seemed troubled at the king's going to the Scots army.

I asked leave of the house to go into the country, and from my own house I went to wait on the general at the leaguer before Oxford.

The general, lieutenant-general Cromwell, Ireton, Lambert, Fleetword, and the rest of the great commanders there, used me with extraordinary respect and courtesy. The general admitted me to his councils of war.

Sir Thomas Fairfax.

The general was a person of as meek and humble carriage as ever I saw in great employment, and but of few words in discourse or council; yet when his judgment and reason were satisfied, he was unalterable, except it were by better, whereof (as was fit) he was the only judge.

The speaker acquainted me that he had received letters from sir Thomas Fairfax, wherein he made mention of me, full of respect and kindness towards me, and after compli- 205 ments of my abilities and other qualifications, and of my particular knowledge of that place and country, he thought it would be for the service of the parliament, and it would be a great contentment to himself, to have my company and advice at the leaguer before Oxford, for which purpose he desired the speaker would move the house to give me leave to go down to the general, and this he desired the rather, because, if there should be occasion for commissioners for a treaty about the surrendering of Oxford, he would willingly have me to be one of his commissioners. Upon my advising about this business with the speaker and others of his friends, it was not held fit to acquaint the house with this letter concerning me, for that it would not be liked by some that I should be a commissioner for sir Thomas Fairfax to treat with the commissioners of sir Thomas Glemham, about the surrender of some particular garrisons, when I had been employed as a commissioner for the parliament to treat with the king himself about the greatest affairs of the two kingdoms; but they advised me to ask leave of the house generally to go

into the country, and being at my own house it would be but a little journey to go over to the general. He used me with extraordinary respect and courtesy, and advised with me in most of his affairs, and upon my intimations to Cromwell, with whom I was very intimately received, he took off the general from any thoughts of employing me as a commissioner, but he sent for me to his councils of war, and made use of my advice in most of his affairs of greatest consequence.

But I have observed him at councils of war, that he hath said little, but hath ordered things expressly contrary to the judgment of all his council; and in action in the field I have seen him so highly transported, that scarce any one durst speak a word to him, and he would seem more like a man distracted and furious, than of his ordinary mildness, and so far different temper.

Summons to Oxford.

The general sent a summons to the governor to surrender Oxford for the use of the parliament, expressing his unwillingness to do any thing of damage to that famous university, and offering to them honourable terms.

Sir Thomas Glemham, the governor, desired a safeconduct for sir John Mounson and Mr. Philip Warwick to come to the general to speak with him from sir Thomas Glemham first, which was assented to; and the same day a summons was sent to Wallingford, Bostol, and Radcot.

13. An ordinance sent to the lords, enabling the lord L'Isle, lieutenant of Ireland, to beat up drums to raise six thousand foot and eight hundred and fifty horse for Ireland; another, for money for the forces there.

A letter for sir Thomas Fairfax to spare a hundred horse for recruits for colonel Jephson; and referred to consider how

Ministers for Ireland.

an able ministry might be settled in Ireland; and that 1000*l.*, given by a gentleman for the service of Ireland, should be employed for maintenance for ministers there.

Reasons of the commons.

Reasons given by the commons to the lords why they adhered to their votes for demanding the king's person: that in England the disposal of him belonged to the parliament of England, and that the Scots army were in pay of the parliament of England; that the king ought to be near his parliament, and it was consonant to the covenant.

The Scots commissioners here presented papers to the house touching stay of their packets of letters the last week.

Another letter agreed on to be sent to the prince, further inviting him to come in to the parliament's quarters, with offers of due respects befitting a prince. A letter to the prince.

Letters that major-general Mitton fell upon the lord Byron at Carmarthen, beat them out of the town into the castle.

Letters of Dudley-castle being surrendered to sir William Brereton upon articles; which were sent up to the parliament, and approved by them.

14. A letter of thanks to the commissioners at Newark, for their care in that business, and in demolishing the works of the town.

Debate of the Scots commissioners' papers, touching the seizing of their packet at the court of guard; and the speaker was ordered to deliver to them a paper, enclosed in their packet, which was in characters, and no subscription to it, nor superscription. Scots papers.

Debate touching the Scots commissioners' papers about the propositions for peace, and what interest Scotland had in the affairs of England in relation unto peace; and some votes passed thereupon.

The Scots commissioners failed to meet with the English commissioners in the north, about the delivering up Mr. Ashburnham.

Sir John Mounson and Mr. Warwick, who came from the governor of Oxford to sir Thomas Fairfax, desired only liberty for the governor to send to the king, to know his pleasure touching the surrender of Oxford; which the general denied. Next day, a trumpet was sent to the general, to desire longer time. Wallingford also desired leave to send to the king, but it was denied.

News came that prince Rupert made a sally out of Oxford, but was beaten back, and himself wounded in the shoulder.

15. Debate about the Scots papers concerning the propositions for peace.

Order for the arrears of major Matthews.

The general muster put off.

The high-sheriff of Devon empowered to bring forth his regiment out of his county.

The ordinance continued for the Isle of Wight.

Allowance ordered to the marquis of Winton.

16. Some of the common-council came to the house, and

desired the general muster might not be wholly put off; upon which the house revoked their last order about the muster, and set a day for it, and informed the militia that both houses would be present at it.

Order for the safe keeping and disposing of the princess Henrietta, and for all things fitting for her person.

Order for a declaration to take off scandals and jealousies of the parliament's proceedings.

Conference about the votes touching the demand of the king's person; and the lords desired reparation about some words spoken by a member of the house of commons at the last conference touching this business.

The king was at Lumley-castle, three miles from Newcastle.

Letters from the leaguer before Oxford certified that a treaty was begun about the surrender of Oxford.

206 18. Progress in the business of the church.

Ordinance passed for 800*l.* per annum to bishop Morton of Duresme.

A petition from major-general Massey put off.

The commissioners of the excise continued.

Passed in the afternoon by the commons, for compositions of delinquents, near twenty ordinances.

Intelligence came of the king's coming into Newcastle, but without any solemnity, and lay at general Leven's quarters.

General Leven's proclamation.

Proclamation made by general Leven, that no papists or delinquents be permitted to come to the king.

Upon a letter from the English commissioners, another proclamation, that all do conform to the orders and ordinances of parliament.

General Leven forbids all compliance of his officers and soldiers with any malignants.

The estates of Scotland forbid any to go out of that kingdom without a pass.

19. Reasons given in the house why Mr. Ashburnham could not be delivered up according to the order of parliament, and complaints of the Scots forces quartering in Yorkshire.

Vote against the Scots.

Voted, that this kingdom had no further need of the army of their brethren the Scots in this kingdom; and that 100,000*l.* should be raised and paid to the Scots army, 50,000*l.* thereof after they shall have surrendered Newcastle, Carlisle, and all other English garrisons possessed by them, and the other

50,000*l.* to be paid to them after their advance into the kingdom of Scotland.

Order to desire the Scots commissioners in London to give in the accounts of their army, that the arrears may be audited and paid.

Both houses went into Hyde-park to see the general muster.

Hartlebury-castle was surrendered to colonel Morgan upon articles.

20. The speaker ordered to give a pass for six horses for the prince of Orange.

Supply of ammunition for garrisons.

Progress upon the propositions for peace, and to sit daily till it were finished.

Letters of the surrender of Ludlow to colonel Birch and colonel Mackworth.

21. Wholly spent about the business of the church.

Letters informed that the treaty went on for the surrender of Oxford.

22. Colonel Rich brought letters to the house from the general, giving an account of the demands for the surrender of Oxford, which were very high, and so esteemed by the house; who writ a letter of thanks to the general for his care, and desired him to proceed in the business for the reducing of Oxford.

The copy of the instructions to the commissioners from Oxford, to treat about the surrender of it, sent up.

23. Order for the sergeant-at-arms to fetch up from Newcastle Mr. Hudson, one of the persons that conveyed the king into the Scots army, who was said to confess that his majesty was near London upon the day that the general muster should have been.

Progress in the business of the church.

The houses differed upon some amendments of an ordinance for Ely-house for the sergeant-at-arms.

The Oxford commissioners for the treaty of surrender insisted upon liberty to send to the king, wherein sir Thomas Fairfax would not resolve, and in the meantime the treaty was adjourned for two or three days, yet both sides prepared for war: great guns came from Reading, and they shot from the garrison at those in the leaguer, but little hurt was done.

Colonel Whaly coming before Worcester, colonel Morgan

drew further off; and the garrison sallied out upon colonel Whaly, who beat them back, and took eight prisoners.

Captain Batten summoned Pendennis-castle to surrender to the parliament.

25. Order for the princess Henrietta to be brought to St. James's, and provision to be made there for her answerable to her quality; and Richmond was appointed for the prince's residence, if he shall come in.

A letter from the king.

A letter from the king to both houses expressed that his majesty was not come into the Scots army out of any intent to divide the kingdoms in affection, or prolong the war, but to secure his person, and labour to compose the differences between him and his kingdoms, and settle all well.

He desired that religion might be first insisted on, and settled according to the advice of the assembly of divines of both kingdoms.

For the militia, he was willing to concur with that propounded at Uxbridge.

For Ireland, he will do what he can to satisfy desires of that kind.

That for surrender of the garrisons in his hands, he hath given order for Oxford to be surrendered, and will do the like for the rest; and is willing that all forces may be disbanded, and that the debts of the nation should be paid.

Another letter.

He sent another letter to the commissioners of the parliament of Scotland, professing his intention to settle peace, and give them satisfaction; and that he hath written to all that have commissions from him in Scotland, to disband their forces and to render their garrisons; and professeth his resolution to give all just satisfaction to the joint desires of both kingdoms, and to comply with both parliaments; and for the expression of their loyal intentions towards him he returns them hearty thanks.

He acquaints them that he hath written to the governor of Oxford to quit that garrison upon honourable conditions, and disband those forces; and that being granted, he will give the like order to his other garrisons and forces. He desires this letter may be published, with a proclamation, in Scotland.

A letter to the city.

He also wrote another letter to the city of London, complimenting them, and acquainting them with his letters to the parliaments of both kingdoms.

Ashburnham escaped from Newcastle before the deputy of the sergeant-at-arms came thither for him, and another messenger was sent thither for Hudson.

26. Debate about the Irish business, and supplies thither, and the arrears of the lord Inchequin and lord Broghil.

A remonstrance from the lord mayor, aldermen, and common-council of London was presented to both houses, desiring a strict course for suppressing all private and separate congregations. Remonstrance from the city.

That all anabaptists, heretics, and sectaries, &c., as conformed not to the public discipline, may be declared and proceeded against.

That all may be required to obey the government settled, or to be settled.

That none disaffected to the presbyterian government may be employed in any place of public trust.

That the propositions for peace may be hastened.

That the union may be preserved between the two nations, 207
and all jealousies removed.

That the privilege of parliament may be so qualified that men may recover their debts.

That the public revenues may be employed to public use, and the taxes of the city abated.

That the compositions of delinquents may be employed to pay the debts owing to the city and citizens.

That Plymouth duty may be taken off.

That the committee at Haberdashers'-hall may be dissolved.

That the reducing of Ireland may be considered.

That the letter of the parliament of Scotland to this city may be returned.

That the city may enjoy the militia as it was presented at Uxbridge treaty.

That Quatermaine may be punished for his affront to this city.

That the lord mayor may be vindicated.

That none of their expressions in this remonstrance may be interpreted as charging any thing upon any members of the house, or intrenching upon their privileges, and profess their readiness to serve the parliament.

The lords returned answer, acknowledging the great ser-

vices and merit of the city, and giving them thanks for the testimony of their duty and good affections.

Answer of the lords.

The commons had a long debate upon this petition; many expressed great offence at it, and that the city should now prescribe to the parliament what to do; and many sober men were unsatisfied with this action of the city, and looked upon it as wholly a design of the presbyterian party, and it was not liked.

Of the commons.

They came at last to this answer, that the house had debated their remonstrance and petition, and would take it into consideration in convenient time.

A committee appointed to receive an information of importance from a member of the house.

The king sent orders to the marquis of Montrose to disband his forces.

Lieutenant-colonel Cottesworth was slain by a shot from Oxford.

A pass was desired for the lady Aubigney to go forth of Oxford, but was denied.

Radcot-house was surrendered to the general.

Colonel Whaly besieged Worcester, and Colonel Morgan besieged Ragland-castle.

27. The monthly fast-day.

A petition from the ministers of Essex, &c. that church-government might be settled; answered, that it was in consideration.

Committee of heresies.

Order to revive a committee for examination of divulging and maintaining heresies.

28. The lords passed an ordinance for taking away the abuse and delay in writs of error.

A conference about the disposal of the princess Henrietta.

Debate about compositions of delinquents, and many ordinances passed the house for them.

29. A long report and debate touching the transactions between the parliament's commissioners and the Scots before Newark.

The king's letter to the governor of Oxford, to surrender that garrison upon honourable terms, was read, and voted unsatisfactory, and not to be sent.

Some sallies were made out of Worcester upon the besiegers, but they were driven back.

Sir Trevor Williams fell upon the Ragland horse at Uske, killed about sixteen of them, and took twenty prisoners, and the next day he seized upon eighty of the king's horse as they were grazing under the castle-wall: the garrison burnt the greatest part of Ragland town. The forces before it, of colonel Morgan, major-general Langherne, and sir Trevor Williams, were in all about five thousand.

30. A further report from the commissioners who resided in the Scots army before Newark, of their transactions with the Scots, and of several papers and petitions, and of divers complaints against some of the Scots forces for plunderings and misdemeanors of the Scots, and proof thereof by witnesses examined.

The house approved what the commissioners had done, and gave them thanks for their good service herein, and ordered a committee to peruse those papers, petitions, and examinations, and to make a full report thereof, and touching the Scots' surrender of the English garrisons in their hands.

Thus the matter of discontent began to increase betwixt the two kingdoms: the presbyterian party here sought, as far as modestly they could, to support the interest of their brethren of Scotland: others did not spare to aggravate matters against them: the general was much inclined to the presbyterians: Cromwell and his party were no friends to their designs of conformity, but carried their business with much privacy and subtilty. Discontents.

The house proceeded upon the propositions for peace, and voted to have the militia in the hands of both houses of parliament, not complying with what the king desired therein.

Many sober men and lovers of peace were earnest to have complied, as far as in safety they might, with what the king proposed from Newcastle, but the major vote of the house was contrary, and for the most part the new elected members took in with those who were averse to a compliance with that which his majesty propounded, and their number swayed very much upon the questions. Aversion to peace.

On the Lord's day good preaching and praying was in this time in request: may it never be otherwise!

1. Letters of the sufferings of the northern parts by the Scots army, who instead of 8000*l.* per mensem have June 1646.

charged 9,000*l.* a month, and the refusers, or persons not able to pay, are plundered and cruelly used, referred to a committee to state the matter to the house.

They desired the lords' concurrence to their former vote, that this kingdom hath no further need of the Scots army.

A paper from the Scots commissioners here, desiring present moneys for their army, auditing of their accounts, and payment of their arrears, referred to a committee to draw an answer to it.

Progress upon the propositions for peace.

The general sent honourable conditions to the governor of Oxford, who desired a day or two to consider of them: the general had all things ready for a storm.

Charles Fort was surrendered to colonel Welden for the parliament upon articles.

208 Major-general Mitton besieged Caernarvon, Denbigh, Flint, and Holt castles.

Counter petition from the city.

2. An humble acknowledgment and petition of many thousands of London was presented to the house, setting forth the power of parliaments, and the labours and successes of the present parliament, which causeth the more opposition against them.

Prays them to proceed in managing the affairs of the kingdom according to their own best wisdoms and the trust reposed in them, and to punish delinquents, and procure peace.

And that they would never suffer the freeborn people of this kingdom to be enslaved, upon what pretence soever, nor any other to share with the parliament, or to prescribe to them in the government or power of this nation.

That the petitioners will stand by the parliament with their lives and fortunes.

This was a counter petition to the former from the city, and now the designs were to make divisions, arms beginning to fail.

The petitioners were called in, and had thanks for their good affections.

Ludlow-castle was surrendered to the parliament.

Progress in the business of the church.

Hudson escaped from Newcastle; the French agent was busy there.

3. Order for pay for the garrison of Henley.

Orders for money for Reading and Abington garrisons.

The ordinance for church government sent up to the lords.

Referred to the committee of both kingdoms to consider what garrisons are fit to be demolished.

4. Progress upon the propositions for peace, and both houses agreed to trust London with their own militia.

Colonel Rossiter was called into the house, and had thanks for his good services.

The treaty proceeded for the surrender of Oxford.

5. The ordinance passed both houses for the church government.

Ammunition ordered for the forces at Monmouth, and money.

Divers ordinances passed the house of commons for compositions of delinquents.

6. Order for the commissioners of excise to pay 10,000*l.* a month for the northern forces.

Declaration against the Scots.

A declaration ordered to be drawn of the misdemeanors, plunderings, and cruelties of the Scots army, and their refusal to surrender the English garrisons, and to undeceive the people, touching a book of the lieutenant of the Scots army, justifying their proceedings, and to draw the affections of the English to the Scots.

Letters from the king.

Sir Robert King brought letters from Ireland to the house; one from the king to the marquis of Ormond, to be communicated in Ireland, to this effect:

That his majesty having sent many messages and propositions for peace to the parliament, received either no answer, or such as shows their intentions to ruin him and monarchy itself, and a refusal of what formerly themselves desired but to have.

That hereupon, having received good security that he and all that would adhere to him should be safe in their persons, honours, and consciences, in the Scots army, who would join with the king and his forces in procuring a happy peace and his rights, he resolved to put himself into that army, and to use the best means, by conjunction of them with the forces of the marquis of Montrose and his friends in England and Ireland, to endeavour the settling of a good peace.

The treaty proceeded for the surrender of Oxford: the general had nineteen thousand three hundred men in his army.

8. Mr. Hudson, one of the king's guides to the Scots army, was discovered at Rochester coming to London, and apprehended.

Papers from the Scots commissioners here touching the king's letters to the marquis of Ormond, whereof they say they had no knowledge nor hand in it, ordered to be considered at a set day.

Ordinance for 1000*l.* a month for the garrison of Henley.

Bostall-house was surrendered to the parliament upon articles.

A letter of thanks to the general, and order for thanksgiving to God for the several late successes.

Votes. 9. Votes, that the king in going to the Scots army intended to prolong the war against the parliament in England, and to make a difference between the two kingdoms.

That there should be a declaration, to set forth the jealousies and fears, and the grounds thereof this kingdom had, to be presented to the states of Scotland and their commissioners here.

Order for the execution of the ordinance for church government.

Letters intercepted going to Oxford to encourage them to hold out, and that the king was in the Scots army.

Recruits came out of Scotland to the army at Newcastle.

The lord Byron surrendered Caernarvon-castle to major-general Mitton upon articles.

Letters and papers read of transactions between the marquis of Worcester and the committee of Monmouth, and lieutenant-general Morgan and his lordship, for the surrender of Ragland-castle, which Morgan by command of sir Thomas Fairfax summoned, and the marquis desired liberty to send to the king to know his pleasure, which Morgan denied, alleging that the king was in the army of the Scots our friends, who had proclaimed that none formerly in arms against the parliament should be admitted to any conference with him. The marquis resolved to stand it out to the uttermost.

10. Order for circuits to be gone, and the commissioners of the seal to appoint judges.

Messages between the two houses about the reception of the Russia ambassador, and about an house for him.

11. Several orders in private matters.

Colonel Glyn voted to be governor of Caernarvon castle.

The garrison of Bostall-house marched out, and left four brass pieces and one iron gun, store of provisions and ammunition.

12. A ship was taken with ammunition and provisions for relief of Pendennis-castle, and divers letters intercepted in her.

Some of the sheriffs and common-council of London came to the house, gave them thanks for their unwearied labours, and desired that in any act or propositions care might be taken of the rights and privileges of the city; and were answered, that the house have been and ever will be tender of the rights and privileges of the city. 209

Order concerning an honourable reception of the Russia ambassador. Russia ambassador.

13. The Russia ambassador solemnly received, and delivered his message for unity between the two nations, and concerning trade.

The judges were appointed in the several circuits, and the commissioners of the seal ordered to issue forth commissions and warrants requisite for that purpose.

The order for church government published, and ordered to be put in execution.

Two hundred sallied out of Farington-house, fell upon the guards; but the parliament forces wounded their commander, major Hen, and took him prisoner, killed two lieutenants and five others, took four horses, forty brown bills, and forced the rest into the house again, and lost but four men.

15. Letters from Ireland informed of a great defeat given to the protestant forces in Ireland by the Irish rebels. The house ordered several supplies for those forces, and ordered five thousand foot and fifteen hundred horse to be provided for that service.

Referred to the committee of Ireland to dispose of the forces under major-general Massey for the Irish service, and the rest to be disbanded: the like for other forces in several counties.

Complaint of the mayor and others of Derby against some of the soldiers of that garrison, upon his commitment of four

of them for sheepstealing: the house ordered those forces to be disposed of for Ireland, and that garrison to be dismantled.

The Scots forces in Ulster marched out of their garrisons, under major-general Monro, to fall upon the rebels: all of them were about five thousand foot and eleven troops of horse. They were informed that the rebels had eight regiments of foot and twelve troops of horse, completely armed: but the Scots would not believe it, nor valued it; but the British forces marched after them.

Scots defeated by Irish rebels.

The rebels drew up in good order, in a place of advantage, and set divers ambuscados; the British horse drew up so near them that they were galled, and retired: their ambuscados made the protestants retire; and after some hours hot dispute the rebels prevailed; near five hundred of the protestants killed, taken, and routed; five field pieces with all the ammunition and baggage lost, and about five thousand foot arms, and most of the officers killed and taken.

The lord Montgomery and lord Blaney taken: the lord Conwey's son had two horses killed, yet mounted on a third, and escaped: many horses lost and men wounded.

Letters from the king.

Letters from the king to both houses of parliament, to the same effect as formerly:

That the propositions for peace be hastened to him.

That he may come to London with safety, freedom, and honour; where he resolves to comply with the houses in what shall be most for the good of his subjects.

That he will disband his garrisons, as by the enclosed warrant appears, only upon honourable conditions; and will send for the prince.

From the Scots.

Papers came from the Scots commissioners to the parliament with these letters, and very fair expressions in them, pursuant to the covenant; and that they had persuaded the king, since his coming to their army, to give satisfaction to his subjects; and they hope such propositions will speedily be sent to his majesty as may settle religion and peace in both kingdoms, and they shall willingly depart home.

Another paper was a copy of that which the committee of estates presented to the king, desiring that the prince might not go beyond seas.

16. Progress about the propositions for peace: they agreed

that the militia should be in both houses of parliament for twenty years.

Letters informed that the Scots persuaded the king to take the covenant.

The articles were almost all agreed for the surrender of Oxford.

17. A letter from the king to the prince intercepted, and read in the houses, and was to this effect: to tell him

A letter to the prince.

That he had written to his mother about him, and would have him to obey her in all things except religion.

Debate about the militia.

Ordinance for a collection for the poor of Abington.

18. The examinations and confession of Mr. Hudson, one of the guides that led the king to the Scots army, were read, and referred to the committee; who are to draw up the declaration to be presented to the king and to the estates of Scotland: and the committee was ordered to proceed further in these examinations.

Hudson said, that the king crossed the country, was at Henley, Harrow-on-the-Hill, and at Brentford, and almost persuaded to come to London; and then he went to St. Alban's, and so to Harborough, where the French agent was to have met him with some horse, but came not; from thence the king went to Stamford, from thence to Downham in Norfolk, where he lay at a petty alehouse. That he passed sometimes by the name of Hudson's tutor, sometimes Doctor, and sometimes as Ashburnham's servant.

The king's passage from Oxford to the Scots.

Order for the speaker to write to the Scots commissioners for an answer to the last letter of the parliament.

A petition of the committee of Wilts, of the robberies and cruelties of the forces under major-general Massey quartered in those parts, so that none could travel nor remain in their houses with safety.

A letter ordered for sir Thomas Fairfax to suppress them. This is another misery of war, even in the conclusion, as was hoped, of it. Idleness caused insolence in the soldiers, therefore the house ordered them for Ireland.

A petition of Newbury, of their sufferings by the war, referred to the committee of the three counties, to consider of a way for their relief.

Supplies for garrisons; and an order for captain Batten to be governor of Holy Island.

20. The earl of Ormond's quartermaster, with divers letters and papers about him, was apprehended in London, and a committee named to examine him, and to peruse the papers.

Oppressions of committees.

A difference between the committee of Kent and the committee for the prince elector referred to the committee of lords and commons for sequestrations; and debate about committees in general, and the oppressions and illegalities of some of them referred to a committee to consider of restraining them.

Progress upon propositions for the peace.

News came that the prince was in France.

210 The treaty for the surrender of Oxford was agreed. Farrington was willing to surrender upon the same terms with Oxford, but Wallingford still held out. Two of sir Thomas Fairfax's commissioners went into Oxford to see the governor and council there, to sign the articles, and two from them came to sir Thomas Fairfax to see him sign them; which were as followeth:

Articles of agreement, concluded and agreed on by his excellency sir Thomas Fairfax, knight, general of the forces raised by the parliament, on the one party; and the right honourable sir Richard Lane, knight, lord keeper of the great seal of England, Francis lord Cottington, lord high treasurer of England, William marquis of Hertford, Edward earl of Dorset, lord chamberlain of his majesty's honourable household, Thomas earl of Southampton, Francis earl of Chichester, Francis lord Seymour, sir Edward Nicholas, knight, one of his majesty's principal secretaries of state, all of them being of his majesty's most honourable privy-council, and sir Thomas Glemham, knight, &c., governor of Oxford, on the other party; for and concerning the rendering of the garrison of Oxford, as followeth:

I. That the garrison of Oxford, with the castle, forts, mounts, and places of defence whatsoever, with all the ordnance, arms, ammunition, and provisions of war, with all magazines and stores thereunto belonging, excepting what is allowed in the ensuing articles, shall be delivered to the general sir Thomas Fairfax, or whom he shall appoint, without wilful spoil or embezzlement, upon Wednesday, the 24th of this instant June, at ten of the clock in the morning or thereabout.

II. That his highness the duke of York shall have an honourable convoy to London, where other of his majesty's children are, attended by his officers and servants, and fitting accommodation for the removal of his household and goods thither; and shall have an honourable provision, befitting his dignity, appointed for him by the parliament; and to remain there until his majesty's pleasure be known touching his settling there or elsewhere, and then to be disposed accordingly to any place within fourscore miles of London; and shall have such officers and servants to continue about him as the parliament shall approve.

III. That their highnesses prince Rupert and prince Maurice shall have liberty and passes for themselves, with their servants, horses, arms, and goods, (the number of their horses for them and their train not exceeding seventy,) to repair to any place within fifty miles of London, (so it be not within twenty miles of London, without leave from the parliament, nor in any garrison,) and there to abide for the space of six months after the rendering, free from any molestation by imposition of oaths or otherwise; and shall have passes to go beyond the sea at any time within the said six months, with their said servants, horses, arms, and goods, they engaging themselves, upon their honours, not to use the liberty hereby granted in the meantime to any hostility against the parliament of England sitting at Westminster, or any way wilfully to the prejudice of their affairs; and they are to have the benefit of such the ensuing articles as may concern them.

IV. That the seals called the great seal, privy seal, the signet, and the seals of the king's bench, exchequer, court of wards, duchy, admiralty, and prerogative, as also the sword of state, shall, at such time and in the presence of two such persons as the general sir Thomas Fairfax shall appoint, be locked up in a chest, and left in the public library. And if any of the forenamed particulars shall not be then accordingly produced, the default thereof shall not be charged upon any other person than such as hath the custody thereof, or shall wilfully detain or embezzle the same.

V. That sir Thomas Glemham, knight, &c., governor of Oxford, with his servants, and all that to him belongs, and all officers and soldiers of horse and foot, and of the train of artillery, (as well reformed officers and soldiers as others,) with their servants, and all that pertains unto them, shall march out of the city of Oxford, with their horses and complete arms that properly belong unto them, proportionable to their present or past commands, flying colours, trumpets sounding, drums beating, matches lighted at both ends, bullet in their mouths, and every soldier to have twelve charges of March forth.

powder, match, and bullet proportionable, and with bag and baggage, to any place within fifteen miles of Oxford which the governor shall choose; where such of the common soldiers as desire to go to their own homes or friends shall lay down their arms, which shall be delivered up to such as the general sir Thomas Fairfax shall appoint to receive them. And all officers and soldiers, as well reformed as others, that shall desire to go to their homes or friends, shall have the general's pass and protection for their peaceable repair to and abode at the several places they shall so desire to go unto, and shall have free quarter allowed them in all their march from Oxford to those several places. The officers, as well reformed as others, to pass with equipage of horses and complete arms, answerable to their present or past commands, and common troopers with their horses and swords only, and all to pass with bag and baggage as aforesaid: and that all other officers and soldiers (in case there be any such) that shall desire to take entertainment from any foreign kingdom or state, shall have free quarter allowed them for twenty-eight days, from their march out of Oxford, and shall have passes for their officers, not exceeding ten, with their horses and two servants apiece, to go to London, to treat with any foreign ambassador or agent for entertainment; and all of them shall have liberty and passes to march (the officers with their complete arms and horses proportionable to their present or past command, and the common soldiers with their arms, and all with bag and baggage) to the quarters near to Harwich or to Portsmouth, or any port between them, to be transported: which arms (except officers' complete arms and horses, and swords for the common soldiers, which they may transport) they shall there lay down, and deliver to such as the general shall appoint, or unto the governor of the next garrison belonging unto the parliament; who shall take care for their safety during their abode there, and until shipping can be provided and weather seasonable, they paying for their quarter after the said twenty-eight days expired, and shall assist them for procuring vessels and shipping for their transportation, at the usual rates accustomed for freight; the officers and soldiers and others, before transportation, engaging themselves, by promise, not to return into this kingdom in hostility against the parliament in bodies as they go, or in conjunction with other forces, or in command of any forces invading this kingdom; and no oath, or any other engagement of this or the like nature, to be, during their said stay or at their transportation, imposed upon them, saving an engagement, by promise, not to do any act of hostility or of wilful prejudice against the parliament during their said stay in England.

Foreign kingdoms.

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And it is declared, that those of the three auxiliary regiments, consisting of gentlemen and their servants, scholars, citizens, and inhabitants, who are not properly of the garrison in pay, and such reformed officers and soldiers who shall not be willling to march forth, shall not be forced to march out upon this article, but shall have the benefit of the following articles to remove or remain in Oxford, and in all things else which may concern them: and those also who shall march forth shall have the benefit of the ensuing articles in all things, except for remaining in Oxford.

VI. That the governor shall be allowed and assisted in the procuring a sufficient number of carts, teams, and boats, and other necessaries for the carrying away all goods allowed in these articles belonging to any officers or persons of quality now residing in the garrison, they paying the accustomed rates, and that such persons as cannot presently, through want of carriages or otherwise, convey them away, shall be assisted with carriages at any time within three months for the disposing thereof. Carts.

VII. That no officer or soldier, nor any person whatsoever, comprised in this capitulation, shall be reproached, or have any disgraceful speeches or affronts offered to them, or be stopped, plundered, or injured in their march, rendezvous, or quarters, journeys, or places of abode; and if any such thing shall fall out, satisfaction shall be given at the judgment of any two or more of the commissioners, they being equal in number of each party; nor shall the persons aforesaid be enticed, nor any of them be compelled to take up arms against the king, nor be imprisoned, restrained, sued, or molested for any matter or cause whatsoever, be it of public or private interest, before the rendering of the garrison, during six months after the rendering thereof. And if any officer, soldier, or person be sick or wounded, that they cannot at present enjoy the benefit of these articles, that such persons shall have liberty to stay until they be recovered, and fit accommodation and substance shall be provided for them during their stay, and then to enjoy the benefit of these articles. Reproach. Arms. Sued. Sick.

VIII. That all horses, arms, money, and other goods whatsoever, taken as lawful prize of war, before or during the siege and now remaining in the city, be continued in the possession of the present possessors. Prize.

IX. That these articles shall extend to the use and benefit of all strangers of any foreign kingdom or state residing within this garrison, together with their wives, children, servants, horses, arms, goods, money, and debts. Strangers.

X. That all persons included in these articles, without exception Remains.

of any, (other than the soldiers which are to march out upon the fifth article,) shall have liberty, during the space of three months after rendering the garrison, either to remain in Oxford, or to remove themselves, with their families, goods, horses, and all things that properly belong unto them, or to their disposal. And all noblemen, gentlemen, and persons of quality, with their arms and other equipage, to their houses or friends, without any prejudice to their friends for receiving them.

Sequestration.

XI. That all lords, gentlemen, clergymen, officers, soldiers, and all other persons in Oxford, or comprised in this capitulation, who have estates real or personal, under or liable to sequestrations according to ordinance of parliament, and shall desire to compound for them, (except persons by name excepted by ordinance of parliament from pardon,) shall at any time within six months after rendering the garrison of Oxford be admitted to compound for their estates, which composition shall not exceed two years' revenue for estates of inheritance, and for estates for lives, years, and other real and personal estates, shall not exceed the proportion aforesaid for inheritances according to the value of them. And that all persons aforesaid, whose dwelling houses are sequestered, (except before excepted,) may after the rendering of the garrison repair to them, and there abide, convenient time being allowed to such as are placed there under the sequestrations for their removal. And it is agreed that all the profits and revenues arising out of their estates after the day of entering their names as compounders, shall remain in the hands of the tenants or occupiers, to be answered to the compounders when they have perfected their agreements for their compositions. And that they shall have liberty, and the general pass and protection for their peaceable repair to and abode at their several houses or friends, and to go to London to attend their compositions, or elsewhere upon their necessary occasions, with freedom

Oaths.

of their persons from oaths, engagements, and molestations during the space of six months: and after, so long as they prosecute their compositions, without wilful default or neglect on their part, except an engagement by promise not to bear arms against the parliament, nor wilfully to do any act prejudicial to their affairs so long as they remain in their quarters. And it is further agreed, that from and after their compositions made they shall be forthwith restored to and enjoy their estates, and all other immunities, as other subjects, together with the rents and profits, from the time of entering their names, discharged of sequestrations, and from fifths and twentieth parts, and other payments and impositions, except such as shall be general and common to them with others.

XII. That no lords, gentlemen, clergymen, scholars, officers, soldiers, citizens, nor any other persons included in this capitulation, (except the persons mentioned before to be excepted from pardon,) shall be molested or questioned for any thing said or done, in or concerning this war, or relating to the unhappy differences between his majesty and the parliament, they submitting to composition, as in the precedent article; and that the persons before mentioned to be excepted from pardon shall have the benefit of this article during the space of six months from the rendering of the garrison, and 212 after, if they be admitted to and agree for their compositions. Said or done. Excepted persons.

XIII. That the persons mentioned before to be excepted from pardon shall have liberty, and the general's pass and protection, for themselves, families, horses, goods, and all things that properly belong unto them now in Oxford, to go unto and abide at their own houses, or their friends, for the space of six months after the rendering of the garrison: and within that time to repair unto London, to endeavour compositions for their estates, and indemnity of their persons, and to make their peace: and if they cannot obtain it, shall have passes to go beyond the seas at any time within the said six months; and that no other engagement shall be put upon them, save by promise not to bear arms against the parliament, nor wilfully to do any act prejudicial to their affairs, so long as they remain in their quarters. Excepted persons.

XIV. That the chancellor, masters, and scholars of the university of Oxford, and the governors and students of Christ Church, of king Henry the VIIIth's foundation, and all other heads and governors, masters, fellows, and scholars of the colleges, halls, and bodies corporate and societies of the same university, and the public professors and readers, and the orators thereof, and all other persons belonging to the said university, or to any colleges or halls therein, shall and may, according to their statutes, charters, and customs, enjoy their ancient form of government subordinate to the immediate authority and power of parliament: and that all the rights, privileges, franchises, lands, tenements, houses, possessions, rents, revenues, hereditaments, libraries, debts, goods, and chattels belonging to the said university, or to Christ Church, or to any colleges or halls in the said university, (except such rents and revenues as have been already taken and received by ordinance of parliament,) shall be enjoyed by them respectively as aforesaid, free from sequestrations, fines, taxes, and all other molestations whatsoever, for or under colour of any thing whatsoever relating to this present war, or to the unhappy differences between his majesty and the parliament. And that all churches, chapels, colleges, halls, libraries, University.

schools, and public buildings within or belonging to the city or university, or to Christ Church, or the several colleges or halls thereof, shall be preserved from defacing and spoil. And if any removal shall be made by the parliament of any head, or other members of the university, Christ Church, colleges or halls, that those so removed shall enjoy their profits during the space of six months after the rendering of Oxford, and shall have convenient time allowed them for the removal of themselves and their goods from their lodgings: provided that this shall not extend to retard any reformation there intended by the parliament, nor give them any liberty to intermeddle in the government.

City corporation. XV. That the mayor, bailiffs, and commonalty, and all corporations within the city, shall enjoy their ancient government, and their charters, customs, franchises, liberties, lands, goods, and debts, and all things else whatsoever which belong to them as corporations subordinate to the immediate authority and power of parliament; and shall not be molested or questioned by colour of any thing before the rendering of this garrison, done or ordered by them in the capacity of corporations, relating to the differences between his majesty and the parliament.

City. XVI. That the citizens and inhabitants of the city shall not be charged with free quarter, or billet of soldiers, other than for lodging, except in urgent time of necessity, and that to be ordered and disposed by the advice of the mayor or his deputy, and that in all public taxes they shall be charged proportionably with the county; and that no scholar, citizen, or inhabitant in the university and city of Oxford shall be troubled or questioned for taking up arms in the garrison by express command, during the time it was a garrison, for the defence thereof: and that the scholars, citizens, and inhabitants shall have the benefit of this capitulation in all things that may concern them.

Plunder. XVII. That no officer, soldier, or other person, who by the articles are to march out of the city or suburbs, or to march in, shall plunder, spoil, or injure any scholar, citizen, or inhabitant, or other person in Oxford, in their persons, goods, or estates, or carry away any thing that is properly belonging to any of them.

Ladies. XVIII. That all ladies, gentlewomen, and other women now in Oxford, whose husbands or friends are absent from thence, may have passes and protections for themselves, servants, and goods, to go to and remain at the houses of their husbands, or at their friends, as they shall desire; and to go or send to London or elsewhere to obtain the allowances out of their husbands' or parents' estates allotted them by ordinance of parliament.

XIX. That such of his majesty's household servants who shall desire to go to his majesty, may have free liberty and passes to go accordingly at any time within one month next after the rendering of the garrison. And that his majesty's householdstuff, and other his peculiar goods which are now in Oxford, may be carried to his majesty's house at Hampton-Court, and his servants, under whose charge or custody any of them are, shall be allowed and assisted in the procuring of carts, boats, and carriages for the removal of them thither, and there to remain till his majesty shall otherwise dispose of them, and then to be sent or disposed accordingly. And that such of his majesty's servants who are not able for the present to go unto him, shall have liberty, passes, and protections to go to and remain at his majesty's said house at Hampton-Court, and have liberty to attend the committee for his majesty's revenues, to procure a competent allowance out of his majesty's revenue for their subsistence, until his majesty shall otherwise provide for or dispose of them. King's servants.

XX. That all clergymen now in Oxford, who shall not, upon composition or otherwise, be restored to their church livings, shall have liberty to go to London to obtain some fitting allowance for the livelihood of themselves and their families. Clergymen.

XXI. That it is intended, declared, and agreed, that all persons comprised within these articles shall peaceably and quietly enjoy all their goods, debts, and moveables allowed by these articles during the space of six months after rendering the garrison: and that they shall be free from all oaths, engagements, and molestations, except an engagement by promise not to bear arms against the parliament, nor wilfully do any act prejudicial to their affairs, so long as they remain in their quarters: and that they shall have liberty within the space of six months (in case they should be resolved to go beyond seas) to dispose of their goods, debts, and moveables, allowed by these articles, and depart the kingdom, if they shall think fit: and to have passes for their transportation; or otherwise to stay in the kingdom. Enjoy goods. Free from oaths.

XXII. That if any of these articles shall in any point be broken or violated by any person or persons in Oxford, or comprised within this capitulation, the fault and punishment shall be upon him or them only who made the breach or violation, and shall not be imputed to or charged upon any other not assenting thereunto, or not an actor in it. 213 Articles broken.

XXIII. That the duke of Richmond, the earl of Lindsey, and their servants that came forth with them, shall enjoy the benefit of these articles in whatsoever may concern them. Duke of Richmond.

Farington. XXIV. That the garrison of Farington shall be rendered to his excellency sir Thomas Fairfax, and the governor, gentlemen, soldiers, and all other of what quality soever within those garrisons, shall enjoy the benefit of these articles in every particular which may concern them, they rendering the garrison accordingly as Oxford.

Certificate. XXV. That all persons comprised in these articles shall (upon request) have a certificate under the hand of his excellency sir Thomas Fairfax, or the future governor of the city, that such persons were in the city at the time of the surrender thereof, and are to have the benefit of these articles.

Messengers to the king. XXVI. That the general, sir Thomas Fairfax, shall give a pass to one or two messengers with their servants, to go unto the king to give him an account of the proceedings upon this treaty and conclusion thereof, and to return, and receive the benefit of these articles.

Dated at Water-Eaton,
June 20, 1646.

22. The propositions for peace agreed upon, and the city of London to have power of their own militia: they were ordered to be communicated to the Scots commissioners here, and upon their concurrence to be sent to his majesty.

Mr. Dell, the general's chaplain, brought letters, and the articles of Oxford to the parliament.

Orders for money for the Scots, and about Mr. Charles Howard's composition.

Colonel Birch besieged Goodrich-castle.

23. The articles of Oxford approved, and 50*l.* gratuity to Mr. Dell, and 30*l.* to the messenger.

Order for the duke of York to be brought to St. James's, and provided for in an honourable way.

Sir William Brereton being come into the house, the speaker by order gave him thanks for his good services, particularly for that of Chester.

24. The monthly fast; after the sermons divers new elected members took the covenant.

25. Some masters of hospitals appointed.

Beaumaris town and castle surrendered to major-general Mitton, and he was voted to be governor there.

Orders for money, and for a ship at Anglesea.

Papers from the Scots. The marquis of Argyle and Scots commissioners presented some papers to the houses; one was,

That the quarters of their army in the north might be enlarged, and money provided for them, and other supplies, as for the other forces.

That ships may be sent to prevent the landing of the Irish rebels in Scotland.

That the parliament here would send commissioners to join with the committee of estates of Scotland, at Newcastle, to testify the endeavours of the Scots, and to assist them in persuading his majesty to a good peace; and to have power to treat and settle the accounts between the two kingdoms, that all forces may be disbanded, and the fruits of peace enjoyed by both nations.

Another letter was read, being from the king to the marquis of Ormond in Ireland, to discharge all further treaty with the Irish rebels. Letter from the king.

Letters informed that the lord Broghill had taken in the garrison of Blaney in Ireland, and given the rebels some other small defeats.

Oxford was surrendered to sir Thomas Fairfax, no affront nor injury offered by any of his soldiers to those of the garrison when they marched forth, but all the articles punctually observed; divers Irish men and Irish women went out with them: the garrison were in all about seven thousand men. Oxford surrendered.

After the governor was marched forth, the keys of the city were presented to the general, who ordered three foot regiments to march into the town, and between them and the citizens was courteous language, and not a reproachful or uncivil word by any of the army to them, nor the least disorder.

They left in the city about thirty pieces of ordnance, but little provision for man or horse; but after the parliament's forces had entered the city, the country people thereabouts brought in store of provisions.

The duke of York and divers great lords remained in Oxford till they might receive the king's order, for which they had sent messengers to him.

The next day the citizens opened their shops, and there was a full market again.

Farington was likewise surrendered, and accommodations sent for to London for removal of the duke of York thither; and surely no action or agreement either of war or peace was Farington surrendered.

ever more punctually observed than was this of the Oxford articles, whereof I can give my personal testimony.

Order for an express to be sent to prince Rupert and prince Maurice, that the parliament took notice of their breach of the Oxford articles, by coming so near to London as Oatlands, and requiring them to transport themselves beyond seas within ten days if it could be, or else to lose the benefit of those articles.

Debate about the preamble to the propositions for peace.

27. The propositions for peace were all agreed, and a committee named to consider of the manner of passing them, and another committee to be as conservators of the peace between both kingdoms.

29. Debate about the dismantling of garrisons: that of Oxford put off, that of Winchester voted to be slighted.

Referred to the committee of the army to take care for the security of the city, upon the repair of so many delinquents thither from the king's quarters.

Order about the judges who are to go circuits, and for allowances for them.

Select council. The general commanded a select council, Cromwell, Ireton, Lambert, Fleetwood, and myself, to consult about disposing part of the army to several places and sieges where there was need of them; and also about the reducing of Wallingford, and what conditions to send to them.

According to our advice, articles were drawn up to be sent to Wallingford, and I was made use of as their secretary, and there were two regiments sent thither, two more to Ragland, and four regiments to Worcester.

214 30. The princes Rupert and Maurice sent a very respectful answer to the parliament's letter to them, that they were sorry that they had given them any offence, had no intention to do it, and would obey their orders.

The prince elector had leave to go and see his brothers.

A committee named to draw up an additional proposition for confirmation of the great seal, and invalidating of acts passed by the seal which was carried away to Oxford.

One Morgan a popish priest executed.

July 1646. 1. Debate upon ordinances touching the excise, and for moneys for soldiers' widows.

French ambassador. Order for reception of the French ambassador; one of the

lords and two of the commons to come to him at his first landing.

The garrison of Worcester agreed to a treaty for the surrender of it.

2. The earl of Kent voted to be lord lieutenant of Bedfordshire.

Orders that all papists and Irish be put out of the lines of communication, and out of corporations, and that they that came from Oxford should be in their lodgings by nine o'clock; the like for others that came out of any of the king's garrisons, and that they have no arms; and that at Guildhall they produce their passes, and engage not to bear arms against the parliament; and this order to be published by beat of drum and sound of trumpet.

Thus we may see that even after almost a conquest, yet they apprehended no safety: such are the issues and miseries of a civil war, that the victors are full of fears from those whom they have subdued, no quiet, no security. O let our prayers be to God never to have such calamitous times again!

Bishop Williams.

Letters from major-general Mitton informed the readiness and assistance of bishop Williams to promote the parliament's affairs, and particularly for the reducing of the castle of Conwey, giving his advice, and being very active in that and all other matters for the parliament.

3. Letters from sir Thomas Fairfax gave an account of the disposal of his forces since the rendition of Oxford, and the state he had put that city in; and he sent up the great seal, and several other seals, which were there rendered to him.

The seals.

Mr. Harbert, one of the commissioners for the army, presented the seals to the house;

The great seal, which was carried away from the parliament, the privy seal, the signet royal, the seal of the king's bench, the seals of the exchequer, and of the court of wards, and of the admiralty, and the sword.

Order for all those seals to be broken, and the sword to be kept in the king's wardrobe.

Vote for the earl of Salisbury to be one of the commissioners of the great seal in the place of the earl of Bullingbroke deceased.

The proposition passed the commons, and sent up to the lords, for making void what passed under the great seal at

Oxford, and honours in Ireland, and for confirming the great seal here; to which the lords agreed; and it was ordered to be communicated to the Scots commissioners.

Order for letters from both houses to the king, to desire him to send order to the marquis of Ormond to deliver the forts in Ireland in his hands to such as the parliament should appoint.

Lilburne. A petition from lieutenant-colonel Lilburne to the commons, appealing from the judgment of the lords who had committed him, referred to a committee, to consider of the privileges of the commoners of England.

Poyntz. 4. Lieutenant-general Poyntz called into the house gave them an account of the northern forces: they ordered 1000*l.* to him in part of his arrears, and 200*l.* as a gift, to buy him a sword and a brace of geldings, and ordered 300*l.* per annum to him and his heirs, and gave him the thanks of the house.

Ordinance for 10,000*l.* for the northern forces.

London's petition. Petition of London, showing that they intended to petition the king, a copy of which they presented to the house for their approbation: the house appointed a time to consider of it.

Scots papers. The lords gave the city thanks for the like petition.

Colonel Jones's regiment to be hastened for Ireland.

Papers from the Scots commissioners which they received from Newcastle presented to the house.

One was a declaration from general Leven and his officers, that they will adhere to the covenant, and will preserve the union between the two kingdoms, and not countenance any disaffected to either parliament; that they abhor all ways contrary to the covenant, disclaim the king's letter to the marquis of Ormond. That as they came into England out of affection, and not in a mercenary way, so they will be as willing to return home, and want of pay shall be no hinderance thereunto, and that the king's unexpected coming to their army hath not wrought in them any thing contrary to the covenant.

Petition. Another paper was a petition of general Leven and his officers to the king, that his majesty would take a speedy course to settle religion and church government, the liberties and privileges of his kingdoms, to sign the covenant, and to comply with the councils of his parliaments, that all differences might be composed and all armies disbanded.

To which the king answered, that he came to the Scots army with intent to settle peace, and to satisfy the just desires of his good subjects, and to comply with his parliament in all things for the good of religion and the happiness of his subjects; and when peace shall be settled, he will find out some honourable means for employment of so many gallant men as are in this army. The king's answer.

6. Malignant ministers to be disabled from any livings of the church.

Instructions passed for the commissioners to go to the king with the propositions for peace: they were to demand his majesty's positive answer to them; which if not given within ten days, they were to return to the parliament. Commissioners for peace.

Commissioners for the house of lords were the earls of Pembroke and Suffolk; for the house of commons, sir John Danvers, sir John Hippesley, Mr. Robinson, and sir Walter Earle.

Letters from the deputy major of Newcastle, that he had hindered delinquents from coming to his majesty. His action was approved, and order for a declaration to give power to the northern committees to hinder delinquents from coming to his majesty.

Debate touching slighting of inland garrisons, and referred to the respective committees to do it in the north and west.

Vote against the Scots renewed. 215

That this kingdom had no more need of the Scots army, and that the Scots commissioners should be desired to take order that their army might be withdrawn out of this kingdom, which is no longer able to bear them. Vote against the Scots.

The lords desired a committee of both houses might be appointed to reform Cambridge university, and to slight that garrison.

7. Sir John Danvers desired to be excused, and Mr. Robert Goodwin was named in his stead one of the commissioners to go with the propositions to his majesty.

Captain Johnson, that brought up the last message from the king, had 20*l.*

Divers ordinances passed for compositions.

Petitions about tin and about the fens.

Divers ministers from the assembly in Scotland came to Scots ministers.

the king with a petition to him to take the covenant, but would preach to him before it were delivered.

Sir Peter Killegrew went to the king with the letter of both houses touching Ireland.

8. Order for stating the accounts of sir William Brereton as major-general.

The committee of examinations dissolved, not having done well.

Order for 5000*l.* for the forces before Litchfield, and that sir William Brereton should go down to that siege.

Orders for relief of Ireland.

Reports of compositions and orders.

Worcester demanded higher articles than Oxford had.

Wallingford was upon treaty, but the governor, colonel Blagge, sent an high and proud letter to the general.

Blagge desired a cessation, and the general agreed to it to prevent the burning of the town, which colonel Blagge intended, and the commissioners met on both parts about it.

The cessation from all acts of hostility was agreed for four days.

Duke of York.

9. Order to discharge the attendants of the duke of York, when he should come to St. James's, and 600*l.* to buy a coach and apparel for him.

Mr. Marshall ordered to go with the commissioners that carried the propositions.

Money for the Scots officers.

Intelligence that the prince was come into France to his mother, and that the lord Digby was gone for Ireland, and that the earl of Glamorgan was in the head of an army there.

Monsieur Bellicure, the French ambassador to the parliament, landed.

Prince Rupert and prince Maurice took shipping.

Major-general Massey took his place in the house.

The treaty for Worcester broke off.

10. Ordinance committed for sale of delinquents' estates; another passed, for Irish and papists to go out of London.

Order for all that came in upon the articles of Oxford and Exeter to engage before the committees to act nothing prejudicial to the parliament.

Ordinance passed for Mr. Woodcocke to be parson of St. Olave Southwark; another, for redemption of captives.

Letters from the general assembly of the kirk of Scotland, after compliments, earnestly desire the parliament of England timeously to settle church-government according to the covenant, with expressions against those who hinder uniformity: they resolve to observe the covenant.

Another letter from them to the assembly of divines, thanking them for their care and pains in the work of religion, that sectaries ought to be suppressed, &c.

Another to the lord mayor and common-council of London, commending them for their petition to the parliament about religion, and mentioning those of London in queen Mary's days, and the zeal of the citizens for God, commending them for their actions in the present times, and for their countenancing the assembly and the Scots commissioners; and highly encouraged them to go on.

The French ambassador was received into London in great state.

11. Order for reducement of the forces of Nottingham, and for money for that work, and for the losses and damages of that county.

Order for a pass for the earl of Bristol to go beyond sea, according to Exeter articles.

Liberty to the earl of Cleveland upon bail to go into the country for three weeks for his health.

The propositions for peace fully passed both houses.

Money for major-general Massey's forces.

Order for slighting divers garrisons.

Lieutenant-colonel Lilburne brought to the bar of the lords' house, had his charge read to him, but he seemed to slight it, and was recommitted.

13. The houses sat not, having resolved to adjourn this hot season two days in the week, till they had an answer to the propositions; but a committee sat to examine the engrossment of the propositions, and to see them signed by the speakers and the Scots commissioners, and to deliver them to the commissioners. The propositions were to sign an act, Propositions for peace.

1. To take away all oaths and proclamations against the parliament and their actions.

2. To sign the covenant, and an act for the general taking of it.

3. To pass an act to abolish bishops, &c.

4. To confirm the assembly.

5. That religion be settled as both houses should agree.

6. Unity and uniformity of religion to be confirmed by an act.

7. An act against Jesuits, papists, &c.

8. An act for educating papists' children in the protestant religion.

9. For penalties against papists.

10. Against saying of mass in any place.

11. The like for Scotland as they shall think fit.

12. For the due observation of the Lord's-day, and against pluralities, non-residents, and regulating the universities, in the same act.

13. The militia to be in the parliament for twenty years, so for Scotland, with power to raise moneys and use the militia, &c. London's privileges as to their militia confirmed.

14. All honours and titles since the great seal was carried from the parliament to be void, and no peers to be but by consent of both houses.

15. To confirm the treaty between England and Scotland, and conservators of the peace to be appointed.

16. To establish the Declaration of both kingdoms 30 June, 1643, with the qualifications of exception from pardon, both English and Scots, and the names of those made incapable of office, and such as have deserted the parliament.

216 17. To make void the cessation in Ireland, the war there to be left to the parliament, and the same religion to be settled there as in England.

18. The militia and Tower of London to be in the government of the city; and their charters to be confirmed.

19. All grants and process under the great seal here to be confirmed, and all by any other great seal to be void, and the like for Ireland, and all honours granted since the cessation there to be void.

And all these particulars to be passed by several acts of parliament.

14. Order for disposing and paying the forces under major-general Massey.

Differences between the soldiers and townsmen of Exeter referred to a committee to be composed, and orders for pay of that garrison.

Search ordered for materials for coining in some trunks.

The commissioners set forth with the propositions.

Letters from the queen.

Letters informed that Montrill, the French agent, came to

Newcastle, and brought letters from the queen to the king, advising him to make peace upon any terms, at which the king was very joyful.

That Montrose desired liberty to go beyond sea, and that great levies of men were made in Scotland, and the garrisons of Newcastle, Carlisle, and Berwick reinforced by the Scots; who lay heavy upon Northumberland and the bishopric of Durham.

15. An ordinance committed for settling 300*l.* per annum on Mrs. Burghill, whose husband was slain in the parliament's service, and upon their heirs.

Upon information of the master of the ceremonies, an order for the reception of the French ambassador. Master of the ceremonies.

One Grady, and Irish rebels, and other papists apprehended and committed; and orders for apprehending all of their condition; and a day set for their departure out of London.

Orders for pay for several forces.

The king's answer to the letters of both houses, for delivery up of the garrisons in Ireland into the hands of such as the parliament should appoint, was read and was very general, expressing great desires of peace, and that the propositions for it might be speedily sent to him. And that business being once well settled, those garrisons and all the rest of the forces will be ordered for the public good. The king's answer.

16. Great complaints from Cumberland and Westmorland of the heavy pressures of the Scots army.

Ragland-castle held out the siege; some of their officers, as major Price and others, were taken prisoners by lieutenant-general Morgan.

Major-general Mitton besieged Denbigh-castle.

Letters informed that the rebels in Ireland were come within twenty miles of Dublin.

17. Letters from sir Thomas Fairfax gave an account to the house of the treaty for surrender of Wallingford-castle; and desired the direction of the house upon one article insisted on by colonel Blagge, that they might have no oaths nor covenants imposed upon them after the surrender.

The house ordered the general to continue his siege of that castle, and would not allow of that article.

Order that the heads of houses in Cambridge forbear cut-

ting down of timber in college lands, till they had order from parliament to do it.

An ordinance sent up to the lords for 50,000*l.* for Ireland.

Monsieur Bellieure, the French ambassador, was received in great state and usual ceremonies in both houses.

The French ambassador.

18. A day of thanksgiving appointed for the reducing of Oxford.

Litchfield was surrendered upon articles to sir William Brereton with all their ordnance, arms, and ammunition.

20. Montrose demanded that his son and the gentleman with him might enjoy their liberty and estates, and he to go beyond sea, otherwise he resolved to hold out and not disband.

Letters informed great resort of malignants, English and Scots, to the king.

The city of Worcester was agreed to be surrendered to the parliament upon articles.

21. The day of public thanksgiving for the surrender of Oxford.

22. Debate of the French ambassador's message, which was,

Message.

That he had in command from the queen regent and the king of France to interpose and endeavour a good reconciliation of the differences between his majesty and the parliament of England; but seeing in what forwardness they were, and the propositions sent to his majesty, he had now nothing further to do but to take his leave, and desired their pass to go to the king and to the estates of Scotland.

The answer of the parliament was,

Answer.

That they took in good part, and thankfully, from the king of France's good affections and intentions to these kingdoms, and willingness to see their troubles over, to end the which, they had done and would continue to do their utmost.

But they could not agree that any foreign state should interpose in the remaining differences, nor in particular the king of France, by his extraordinary ambassador.

And they agreed that he should have a pass, and be used with all respect and civility.

Mr. Herle voted to be moderator of the assembly, Dr. Twisse being dead.

Worcester surrendered.

Letters from sir Thomas Fairfax of the surrender of Wor-

cester, and thanks ordered to be sent to him, and his messenger had a gratuity.

Letters from the northern committees of the insupportable burden upon them by the forces there; order for pay for those forces, and relief of those counties.

A letter from both houses, inviting the duke of York to come to London. Duke of York.

Order for an ordinance for the government of North-Wales, and for committees there.

The lords passed a declaration for restraining malignants from coming to the king.

23. A committee appointed to receive complaints against such as have been in arms against the parliament, with power to imprison.

Order for reimbursing commissioners of excise.

Some forces of the eastern association met at St. Alban's in a kind of mutiny: the house ordered them to return to their several counties. Mutiny at St. Alban's.

Order for a new election.

Goring-house ordered for the speaker.

The ordinance for sale of delinquents' estates sent up to the lords.

24. Letters informed the surrender of Wallingford, with a copy of the articles.

Several ordinances passed for compositions by delinquents. 217

Order for the slighting of all the garrisons in Worcestershire except Worcester city, and all the horse there to be disbanded, except eighty to attend upon the high-sheriff.

An ordinance appointed to be drawn for obedience to be yielded to committees, so long as they should be continued; and no affronts to be offered to them or to any public officer.

Order for a collection for the poor in the places in Devonshire visited with the plague.

Order for all the horse in Bucks to be reduced to eighty only.

25. The house did not sit.

The commissioners arrived with the propositions at Newcastle, and the king seemed well pleased.

27. The houses sat not: many letters came from the northern counties of the miseries and devouring charge endured by them from the Scots army and from the English forces.

The commissioners of parliament arrived with the propositions for peace at Newcastle, and were visited the same day by general Leven; and the king appointed them to present the propositions the next day.

Worcester. A list was sent up to the parliament of those that marched forth of Worcester upon the rendition of it.

The earl of Shrewsbury, lord Talbot, lord Brereton, sixteen knights, forty-four esquires, eleven colonels, nine lieutenant-colonels, fifteen majors, seventy captains, forty-nine lieutenants, twenty-four ensigns of horse, forty ensigns of foot, one bishop, many doctors and clergymen, and many ladies.

They left there twenty-eight pieces of cannon, six drakes, and sling-pieces, arms three thousand, provisions for six months, and ammunition.

28. Every Friday ordered for debate how the gospel might be preached in some dark places of this kingdom.

Letters from sir Thomas Fairfax of the particulars of the surrender of Wallingford, and the house approved adjutant Evelin to be governor there, who was nominated by the general.

Order for employment of the forces in the counties of Oxon, Berks, and Bucks for the service of Ireland.

Before the surrender of Wallingford-castle, sergeant Welde, a member of the house of commons, came to Henley in his way to Worcester, whither he was sent down by the parliament as a commissioner of oyer and terminer, and hearing that I was in my garrison at Phyllis-court, he came thither with his attendants to bestow a visit on me.

I received him and his company at the drawbridge.

He complimented me by the name of colonel Whitelocke: I had then three hundred foot and a troop of horse in garrison, besides the assistance of the town of Henley; and it was a very regular and strong fort, and wanted nothing for its defence.

I waited on the judge with my troop to convoy him to the parliament's quarters.

I presented him at his departure with the linstock, as a ceremony to persons of condition when they come into garrisons, that they may as it were take command of the place, and give fire to the great guns.

I gave a sign, and the soldiers gave a great shout, and then the gunner fired five great guns.

As we came by Wallingford, who had espied us, they from the castle bestowed some great shot at us, but no hurt was done.

Oxford and Wallingford being reduced, and no garrison in those parts being against the parliament, I thought it a convenient time to move the parliament for their order to me to slight my garrison.

Upon letters from sir Thomas Fairfax, of some breaches of articles which he had made, the house took care that right should be done, and appointed a committee to hear complaints of that nature.

Order to apprehend captain Conningham, come from the queen to Newcastle, because he had formerly broke the prison of the parliament: the like order was to apprehend Mr. Buchannan.

Order to slight all the garrisons in Gloucestershire except Gloucester, and to reduce the forces there to a less number.

The duke of York came to town, and was met by the earl of Northumberland and divers lords and gentlemen, and conveyed in great and fitting state to St. James's, where his Oxford retinue were dismissed, and new servants placed about him.

The princess Henrietta was conveyed away from Oatlands.

Letters informed the surrender of Wallingford-castle. Wallingford-castle surrendered.

That colonel Blagge sold the corn and provisions there, and put the money in his own purse, without giving one penny of it to the soldiers, though much pay was in arrears to them; and they were so much discontented at the greediness of their governor that they fell into a mutiny, which caused Blagge to surrender the castle two days sooner than it was agreed to be.

They left in it fourteen pieces of ordnance, store of arms, ammunition, and some provisions, and marched a thousand foot, besides horse, out of it.

Rutland-castle surrendered to major-general Mitton with all the arms and ammunition in it. Rutland-castle.

29. The monthly fast-day.

Letters informed the sad condition of the protestants in Ireland, the rebels prevailing there; that they lately took

Roscommon, and put all the English there to the sword; then they took Bonratty, which held out three months, and there also they put the English and Scots to the sword.

30. Order for a considerable force to be sent over into Ireland, and for such as were willing of major-general Massey's brigade to go over thither under their own officers.

A regiment of five hundred horse ordered for colonel Coote for the Irish service, and for supernumerary forces in all counties.

Another regiment of five hundred horse ordered for colonel Lidcote for Ireland, and an order for 40,000*l.* for Ireland.

I have not found returns but from very few answerable to the kindnesses which I have showed to many: therefore it ought to be a caution to place friendship on worthy persons as near as we can, and not to be so lavish in our courtesies as to prejudice our own interests.

31. Debate of the business of Ireland, and voted that none of the forces of sir Thomas Fairfax's army should be taken off to be sent thither, but four regiments of foot and three
218 regiments of horse, of the forces of the several garrisons dismantled, and of the counties where there was no present use for them.

Upon hearing a petition of adjutant Grey and Mr. Steward, against an illegal decree, made by sir George Ratcliffe in Ireland against them, the house ordered 1500*l.* to Mr. Steward and 400*l.* to adjutant Grey out of sir George Ratcliffe's estate.

Reference to a committee to compute the arrears of some reformado officers, that course may be taken for their pay.

Moneys ordered for the duke of Gloucester.

Order to demand of the commissioners of Scotland here the rendition of Belfast in Ireland.

Worcester. More letters came of the particulars of the surrender of Worcester, much to the same effect as is before mentioned, with an order of the committee of Worcestershire to take the mace and sword and seal of that city into their possession.

That sergeant Welde, who went from the parliament thither, was chosen to be their recorder, with other particulars.

Propositions. Letters from Newcastle certified that the commissioners

had presented the propositions for peace to his majesty, and acquainted him that they had but ten days allowed them to attend for his majesty's answer, which they desired he would be pleased to give them within that time.

That the king desired longer time for him to consider and give his answer to all those propositions, and matters of so great weight as they were, but being told by the commissioners that they had no longer time allowed to them but ten days only, after which time they were commanded to return back to the parliament, his majesty told them that within that time they should receive his answer to the propositions.

August, 1646.

1. The house sat not, nor did any intelligence come this day.

3. Letters from Newcastle informed, that upon the commissioners presenting the propositions to the king, he asked them if they had any power to treat; they answered, they had not; then the king replied, "Saving the honour of the business, an honest trumpeter might have done as much."

That the Scots lords and officers begged of the king to sign the propositions.

A proclamation at Newcastle forbidding all malignants to come to the king, the provost and baileys of Edinburgh petitioned the king to grant the propositions.

Colonel Birch entered some of the works of Gotherich-castle, whereupon the garrison hung out a white flag for parley, which Birch refused, and went on storming, and they all submitted to mercy. Colonel Birch.

In the castle, besides the governor, sir Henry Lingen, were fifty gentlemen, and a hundred and twenty soldiers, with arms, ammunition, and provisions.

Ragland-castle held out and made some sallies, but were beaten back: colonel Birch and colonel Rainsborough went to assist colonel Morgan in that siege, and the general himself went thither.

Pendennis-castle had some relief by sea: the archbishop received some loss at Conwey.

Denbigh-castle held out against the parliament, and Flint-castle seemed tractable to come to a treaty.

4. Order to transport the forces of major-general Langherne into Ireland, and that the forces in the several counties that will list themselves for Ireland shall have a month's pay, and those that will not, to be disbanded: their officers are to march with those that go to the water-side, if they will not go over into Ireland.

Bristol, Chester, and Liverpool appointed to be rendezvous for the soldiers to take shipping for Ireland, and orders for clothes, victuals, and ammunition, and ships to be ready there for them.

The general quartered his army in several counties, to avoid oppressing of the country.

The French had a great defeat by the Spaniard at Arbitello in Italy.

5. Several ordinances passed both houses for placing good ministers in divers benefices now void.

An ordinance sent up to the lords for settling 200*l.* per annum upon Mr. Hugh Peters.

Letters from Newcastle.

Letters from the commissioners at Newcastle informed, that though their importunities had been frequent and earnest, yet they could not obtain his majesty's consent to the propositions for peace, nor answer any ways satisfactory.

That his majesty had given them a paper (other than which they could not procure) containing offers to come to London, which they thought not fit to send, but were hastening away to give an account of their proceedings.

Great complaints of major-general Massey's forces, killing men, robbing others, and forcing the countrymen where they quartered to give them money, and then they would go to other places and do the like there, referred to the committee of the west, to send those forces into Ireland, or to disband them.

Care for money for Scots officers, and for the arrears of sir John Gell and his son, and ordinances passed for compositions.

7. Ordinances passed for dismantling divers garrisons, and sending the forces into Ireland.

Upon this occasion I moved the house for their order to empower me to slight the garrison of Phyllis-court, and the house willingly and well pleased passed their order as I desired.

Votes of the house: Vote.

That a charge laid upon sir Richard Onslow, a member of the house, by Mr. Withers, was not sufficiently proved; that it was false and scandalous, and injurious to sir Richard Onslow; that Mr. Withers should pay 500*l.* to him for damages, and his book to be burnt.

Order for raising 17,000*l.* for Ireland.

The lord Fairfax remitted his arrears as colonel of two regiments, and the house gave him thanks for it, and ordered the payment of his arrears as general in the north.

8. The houses were adjourned, and no intelligence communicated.

10. Letters informed that the king refused to sign the propositions, though the commissioners of both kingdoms on their knees begged of him to do it. The king's refusal to sign the propositions.

And that Montrose's forces are disbanded in Scotland.

The commissioners came to town from Newcastle. 219

11. A day set to call the house, and to consider of the king's denial to sign the propositions.

Letters informed the sad condition of the protestants in Ireland, and the rebels prevailing there, that the marquis of Ormond had concluded a peace with them.

Order that all forces which were not of sir Thomas Fairfax's army, or of garrisons not to be slighted, should list themselves for Ireland or be disbanded.

A committee named to consider of providing money and supplies for Ireland, and for ending the troubles there.

Ordinance for money for the west.

Mr. Murrey ordered to be bailed.

Order to refer divers letters, taken in a collier's ship bound for France, to a committee to be perused; and such as the French ministers of state should claim, to be delivered unto them.

In the presence of both houses, the great seal and other seals, brought from Oxford, were broken by a smith. Seals broken.

The earl of Salisbury was sworn one of the commissioners of the great seal.

Sir Thomas Fairfax came in person before Ragland-castle, which he summoned to surrender, but the marquis refused.

12. The commissioners, that went with the propositions to Newcastle, made a report of the transactions between the Report concerning the propositions.

king and them, and of all material passages in that business, and had the thanks of the house; and a committee appointed to give the thanks of the house to the Scots commissioners.

Orders for new elections.

A letter from monsieur Montrill, the French agent here, about staying the ambassador's packet of letters, and claiming the privilege of an ambassador.

The house ordered the examinations in this business to be sent to their agent in France, and the ambassador's letters to be returned him.

A paper from the Scots commissioners:

Scots papers.

That they desire to depart, and will deliver up such towns and castles as they have: they desire to have consideration for their losses, hazards, charges, and damage, part in present money, and security for the rest: and, his majesty not having consented to the propositions, that a way may be thought upon, by joint advice, for the security of both kingdoms.

13. Both houses agreed for the silver of the broken seals to be bestowed upon the speakers; and for the earl of Cleveland to have a month's longer time of liberty; and for restoring the letters and portmanteau to the French ambassador.

A free conference about the transactions of the commissioners at Newcastle, and the Scots desired to further the propositions.

14. Orders for the slighting of several garrisons, and their forces to be employed for Ireland or disbanded.

The forces in Bristol and Exeter to be reduced.

Order for money for the forces in North-Wales.

Vote for the Scots.

Vote for 100,000*l.* to be provided for advance of the Scots army into Scotland.

That the house did very well, and thankfully approve their offer to deliver up our garrisons and to depart; and that their arrears should be audited and paid, according to the treaty.

The houses now saw the advantage of keeping up their army, as that which the more inclined the Scots to come to this offer.

15. The houses sat not.

I went out of town to Phyllis-court, where I sent out acceptable warrants to the country adjoining, to send in workmen, with spades, pickaxes, &c., and carts, to be employed about the demolishing of that fort.

17. Letters from the leaguer before Ragland certify that the marquis of Worcester wrote with much respect to sir Thomas Fairfax, that he honoured his family, and was more willing to agree to his proposals than if they came from any other; that he was intimately acquainted with sir Thomas Fairfax his grandfather, and other compliments, and concluded to agree to a treaty. Marquis of Worcester.

In which all propositions were consented to but concerning the person of the marquis, whom they would only admit to the mercy of the parliament; and that the marquis thought hard; and being eighty-four years of age, was thought the more capable of favour and pity.

Most of the nobility of Scotland at Newcastle went from thence to the convention of estates appointed to be at Edinburgh.

Letters informed that the marquis of Ormond had concluded a peace with the Irish rebels, upon which the provinces of Munster and Ulster were to be reduced to the obedience of the king and supreme council; and then twenty thousand men to be sent out of Ireland into Scotland, to assist the king there, and forces from France and Denmark to join with them, and the lord Digby was to be at the head of them; that he was one of the commissioners, with the marquis of Ormond and earl of Glamorgan, for making this peace. Peace with the Irish.

18. Ordinances passed for compositions.

Sir John Stowell brought to the bar, refused to kneel, and behaved himself with very much boldness and obstinacy. Sir John Stowell.

The house committed him to Newgate, and ordered that he should be indicted of high treason.

Several ministers sent down to Oxford, to preach there.

An account from the Scots commissioners of the arrears of their army, besides losses, amounting to about a million of money, free quarter taken by them not accounted; and that they would be willing to accept a sum in gross, in full discharge of their arrears: and the house appointed a committee to treat with them about the sum and times of payment. Scots arrears.

New letters of the peace concluded in Ireland, and a copy of the articles:

That they should not be bound to take the oath of allegiance; Articles of the peace in Ireland.

All laws against Roman catholics to be repealed;

To have no dependency upon the parliament of England; and the like.

Major-general Mitton took Conwey town by storm, and killed and wounded divers, took many officers, twenty-two soldiers, and fifty townsmen in arms; one great gun, arms, ammunition, and provisions; many Irishmen, who were tied back to back and thrown into the water.

I had a great number of countrymen, my neighbours, who willingly came in to me upon my warrant, with mattocks, shovels, and some carts, to help in the slighting of the works of Phyllis-court. I provided also store of pickaxes and shovels for my soldiers, whom I encouraged to help in this work, allowing to every one of them that would work sixpence a day besides their pay, which persuaded them all to work, and kept them from idleness.

The country paid the men they sent in.

In a few days, having many hands, I threw in the breastworks on two sides, and made two even mount walks, the one on the side next to the Thames, the other on the north side. On the other two sides I caused the bulwarks and the lines to be digged down, the grafts filled, the drawbridge to be pulled up, and all levelled.

I sent away the great guns, the granados, fireworks, and ammunition, whereof there was good store in the fort.

I procured pay for my soldiers, and many of them undertook the service of Ireland.

Scots. 19. Report from the committee appointed to treat with the Scots commissioners, that they desired 500,000*l.*; whereof 200,000*l.* upon the advance of their army into Scotland, and 200,000*l.* residue at the end of twelve months.

A day set to consider of this report.

Order for shutting up the houses of those infected with the plague, as formerly, and the statute for that purpose to be printed and published.

Both houses agreed to a list of ships and captains of them for the winter guard.

Order for the marchioness of Winton to make use of any of her country houses for her health, and to lie in there.

20. A difference between the forces of Bristol and Gloucester about levying of money for their pay: the house or-

dered that neither of them should levy that money, and referred it to a committee to compose that difference.

A petition brought by multitudes of wagoners' wives, and officers' wives and widows, and other distressed people, for money, referred to a committee, to consider of a way for raising 10,000*l.* for them; and that not above two of them should come together about this business to the house or committee. Petition.

The allowances of 4*l.* a week to divers members of the house, formerly given, was now ordered to cease.

The articles agreed for surrender of Ragland-castle; and the marquis of Worcester threw himself upon the mercy of the parliament. Surrender of Ragland and

21. Letters of the surrender of Pendennis-castle; and in it were colonel Arundel the governor, four knights, five colonels, and divers others of quality. That the parliament had there forty great pieces of ordnance, one great ship, one shallop, some other boats, seven great guns in the ship, many pieces unmounted about the castle, store of arms, but little provision. Pendennis-castle.

A copy of the articles sent up for the surrender of Ragland-castle: there were in the castle seven hundred officers and soldiers, twenty pieces of ordnance, and a thousand arms.

Vote for 200,000*l.* to be paid to the Scots army: 100,000*l.* upon their advance out of this kingdom, and the other 100,000*l.* by 50,000*l.* at two payments at certain days, and to have the public faith for the other 300,000*l.*, deducting out of the same the accounts of the country for their free quarters. Vote.

Referred to a committee to consider of raising 100,000*l.* of the companies of London upon security: the lords concurred herein, and were moved to pass the ordinance for sale of delinquents' estates.

Order to discharge sir Thomas Glemham from an arrest, according to the articles of Oxford.

22. The houses sat not, and no intelligence was communicated.

24. The articles sent up of the surrender of Pendennis-castle.

Letters that the convention of estates of Scotland met at Edinburgh, and intended the peace of both kingdoms very zealously.

25. Order to make Ragland-castle untenable. Colonel Fortescue appointed governor of Pendennis-castle.

A day of thanksgiving ordered for the late successes, and a collection for the poor infected with the sickness.

The three regiments under sir Hardress Waller before Ragland ordered for the service of Munster in Ireland, and orders for repayment of moneys disbursed by some of the commanders.

26. The monthly fast-day. After the sermons they met in the house, and some new members took the covenant.

Letters informed, that when the officers and soldiers marched out of Ragland-castle, not the least injury or incivility was offered by sir Thomas Fairfax's army to any of them; but they were courteously used, and not a tittle of their articles broken.

That sir Thomas Fairfax had much conference with the marquis, with all respect. And there being store of rich furniture and goods in the castle, the general caused the commissioners in the army to make an inventory of them, and to proclaim, that if any of them belong to any well affected in the country, that they should be restored.

27. Exceptions of plunders, money, coals, lead, and free quarterings, had by the Scots army, offered to their accounts: the house voted 100,000*l.* to be paid to them the ninth month after the payment of the money formerly voted for them.

An ordinance sent up to the lords for ordination of ministers.

Orders touching colonel Saunderson's regiment of reformados.

Petition of sheriffs.

Upon the petition of the sheriffs of London, that if sir Thomas Glemham were discharged out of prison, according to the order of the house, that then the sheriffs and their heirs should be liable to pay the debt for which he was a prisoner;

The house ordered that sir Thomas Glemham should be brought to the bar, and that they would take order for the sheriffs' indemnity.

The judges rode in some counties, and held the assizes, to the rejoicing of the people; but I did not attend them.

Order to discharge sir Thomas Glemham from his imprisonment, according to the articles of Oxford; and that all

officers and others should be saved harmless for it, by authority of the house of commons.

The house approved of the earl of Northumberland's removing the king's children to Sion-house, because of the sickness in London; and they ordered the earl to take care, and give directions, that none of the king's party should be admitted to come to the king's children, to give them ill counsel. 221 The king's children.

The power of the committee of Haberdashers'-hall, as to the fifth and twentieth part, was lessened.

29. The houses sat not: intelligence came of the surrender of Flint-castle to major-general Mitton.

31. The Scots minister, Mr. Henderson, died at Edinburgh, a person of a sober conversation and good learning: some said he died of grief, because he could not persuade the king to sign the propositions. Henderson.

The convention of estates in Scotland agreed to send new commissioners to the king to sign the propositions.

The earl of Antrim and Kilketto refused to lay down arms by the king's command, alleging that the king was under restraint, and they hoped ere long to have a power to free him from that restraint.

Complaints from the northern counties of the oppression by the Scots army.

Two ships of the rebels taken by a parliament ship at Limerick in Ireland.

The lord Inchequin took Pilborne-castle by storm, and put all in it but eight to the sword.

The governor of Scilly islands for the king sent to captain Batten, to treat for the surrender of them to the parliament, and the treaty was begun.

Letters informed the particulars of the surrender of Pendennis-castle, that there was taken great store of arms and ammunition, ninety-five pieces of cannon, two murderers, but little provision. Pendennis-castle.

That there marched out of it four knights, eight colonels, many other officers and gunners, and a thousand soldiers, and two hundred left sick behind.

Mardike in the Low Countries was surrendered upon articles to the French.

September 1646.

1. An ordinance for sir John Heal's composition.

The commissioners of the great seal continued for a month longer.

Scots demands. Upon papers from the Scots commissioners demanding 400,000*l.* for their army; after long debate, the house agreed to it, and to days of payment of it.

Vote. Voted that the election of Mr. Toll, a member of the house, to be major of Lynne, ought not to have been without the consent of the house; yet in respect it was for the advantage of that place, the house granted the petition of the town, that he might execute the place of major there, and have power to make a deputy.

2. An ordinance for punishment of blasphemies and heresies committed.

Order for divers committees to give account what moneys they had issued.

Scots. The Scots commissioners insisted to have 200,000*l.* upon their advance to Scotland, but the house would allow only 100,000*l.*

3. The earl of Cleveland is released, he engaging his honour to the lieutenants of the Tower to render himself again if required by the parliament.

An ordinance to make Mr. Hallingham vicar of South-Wales in Essex.

Order for money for soldiers' wives and widows upon the excise.

An ordinance to make Mr. Elliston parson of Sandford in Essex.

Ordinances passed for compositions.

4. Orders concerning new elections.

Letters of the general's gallant entertainment by the Welch, and in other places.

5. Though a day of adjournment, yet the house sat till seven at night to despatch the business of the removal of the

Vote for Scots. Scots army, and at length voted to give them 200,000*l.* at their advance to Scotland, if it could be raised, and sent a committee to treat with the common-council of London for the raising of it.

7. Commissioners from the estates of Scotland came to persuade his majesty to sign the propositions.

Remonstrance of the kirk. The assembly of the kirk of Scotland presented a remonstrance to the committee of estates there, desiring that ma-

lignants and incendiaries may not be favoured; that all possible means might be used to confirm the union between England and Scotland; and to preserve the reformation of religion, and to bring the churches in both kingdoms to the nearest conjunction and perfect reformation, according to the covenant.

They sent another remonstrance to the king to the same effect: to which the king answered, The king's answer.

That the assembly had no authority to intermeddle in the affairs of this kingdom or church; and then justifies his own proceedings.

Earnest letters came from Ireland for supplies and recruits.

8. The day of public thanksgiving, no intelligence received.

9. Sir John Stowell was found guilty of treason by a jury of Somersetshire.

Orders touching compositions of delinquents, another touching a general day of thanksgiving.

After the surrender of Mardike, the French designed the taking in of Dunkirk.

10. The common-council of London propounded, for security of the 200,000*l.* to be advanced for the Scots, that all who had contributed upon the propositions for horse, money and plate, may contribute the like sum upon this proposition for the 200,000*l.*, and be secured both sums out of the excise and bishops' lands.

The house agreed to this, and returned thanks to the common-council, only they excepted advowsons out of the security, and added to it the sale of delinquents' estates.

Order for 100*l.*, for the churchwardens of the abbey and St. Margaret's church in Westminster, to maintain watchmen to look to the doors of houses infected with the plague.

The lords desired the concurrence of the commons for taking away all country committees, and for appointing new commissioners for the great seal.

11. Mr. Edwards continued major of Chester by ordinance for thirteen months.

A menial servant of Mr. Martin, a member of the house, being arrested contrary to the privilege of the house, was released; and the bailiff that arrested him, and knew him to be Mr. Martin's servant, was sent for as a delinquent.

Ordinances touching the excise in the northern and western associations not consented to by the commons.

Orders for new elections.

12. The commons sat not, but the lords sat about the 200,000*l.* for the Scots, and agreed to what the commons
222 had voted, except the additional security by sale of delinquents' estates, which the common-council of London did not insist upon: the committee of the parliament met with the committee of common-council, as often as was held requisite for the carrying on of this business, and agreeing upon the security to those who should lend money, or double their former loans, according to the propositions for raising of the 200,000*l.*

Scots press the king.

14. Letters certified that the commissioners of the estates of Scotland had been often with the king, and pressed him to consent to the propositions, and to take the covenant.

That the king questioned their power, which they justified, as relating to both kingdoms, and were very plain with his majesty, who said he was not satisfied in point of conscience to subscribe it: they moved that some able divines might be conferred with by him for his satisfaction, and that was appointed.

Letters informed a discontent among the Irish rebels about the peace, the pope's nuncio, bishops and clergy protesting against it, because done without their consent, and because it gave liberty of conscience to the protestants.

Forces were hastening thither out of England.

Essex died. This evening the noble earl of Essex died at Essex-house.

Orders for 1200*l.* for the duke of York, and for a constant maintenance for him, and for money for the northern forces.

Ireland. A remonstrance from Cleveland and other northern parts, of the insupportable burden of the Scots and English forces upon them, referred to the northern committee.

Order for a new election.

Order that the house should accompany the earl of Essex's body at his funeral.

Order for money for Massey's brigade.

A great petition of Lancashire debated.

Upon the news of the death of the earl of Essex both houses adjourned to the next day.

16. The house sat in a grand committee to debate the ordinance touching blasphemies and heresies.

The lords ordered a writ to be sent to the new viscount of Hereford, to whom that honour descended by the death of the earl of Essex, to sit in parliament.

Divers Scots ministers endeavoured to satisfy the king's conscience that he might take the covenant, but could not prevail. Scots ministers.

17. An ordinance sent up to the lords for charging 10,000*l.* upon the excise for poor widows, officers' wives, and others.

The lords desired the concurrence of the commons, that the earl of Northumberland be made lord-lieutenant of Yorkshire in the stead of the earl of Essex, deceased.

A petition of the Levant merchants against sir Sackvile Crow, for cruelties and tyrannies exercised by him against their company, and desiring his commission might be made void, was referred to a committee. Sir Sackvile Crow.

Order for 400*l.* for relief of poor Irish protestants here.

18. Order for a letter to the grand seignior to revoke the commission of sir Sackvile Crow from being agent at Constantinople, and power given to the merchants to choose a new agent.

Voted, that no consultation touching his majesty's person should hinder the march of the Scots army out of England, nor violate the treaties; and that the king's person should be disposed of as both houses of the parliament of England should hold fit. Vote.

The speaker desired he might communicate some secret intelligence which he had to a committee, and was ordered to do it to the committee of both kingdoms and the committee of the admiralty.

Order for stating arrears of accounts.

19. The houses sat not.

The estates of Scotland met about the surrender of the English garrisons, &c.

21. The commissioners from Scotland, not being able to prevail with the king to pass the propositions, returned into Scotland.

The king did not absolutely refuse to do it, but said he hoped they would grant him a hearing, which, for better accommodation, he desires may be near London; and doubts The king's answer to the Scots.

not but after a full hearing he may not only have, but receive full satisfaction.

Letters informed of the Irish rebels drawing with a great army towards Ulster, and that the marquis of Ormond was gone with forces to join with them, to suppress such as withstand the new peace.

The committee of Worcester took great care in listing their soldiers for Ireland.

The propositions to ordinances.

22. No means prevailing with the king to pass the propositions, the house named a committee to turn those propositions into ordinances of parliament.

Order that the committee of both kingdoms do communicate to the Scots commissioners the votes of the house for disposing of the king's person.

Ordinance for money.

A committee for satisfying the city about the security for the 200,000*l.*

Letters of the surrender of Scilly, and colonel Rouse appointed governor.

Reasons offered by the commons to the lords for continuance of the commissioners and treasurers of the army.

The lords voted the lord Roberts to be governor of Scilly; but before that, the commons' vote was passed for colonel Rouse.

The lords concurred with the commons in the vote for disposing of the king's person.

The duke d'Anguienne besieged Dunkirk, the Spaniard raised forces to relieve it.

23. The house proceeded in a grand committee upon the ordinance against blasphemies and heresies.

Petition for Lilburne.

A petition of lieutenant-colonel Lilburne's wife, accompanied with many women at the door of the house, and mentioning the tyranny of the lords by their imprisoning of her husband, and thereby divorcing her from him, and desires justice.

This way of multitudes and women petitioners proved very troublesome and impetuous to the parliament.

Inteligence came that upon discovery of a plot against the person of the marquis of Ormond, and those with him, they returned back to Dublin.

About disposing of the king's person.

24. A new committee appointed of both houses, to treat with the Scots commissioners about disposing of the king's

person: this new committee was purposely named, to carry on the design touching the king's person as was intended.

The committee of foreign affairs appointed to receive what the Spanish ambassador desired to communicate to both houses.

Order that no passes should be granted to transport any 223
horses for six months.

An ordinance sent up to the lords to put the office of chancellor of Chester in the speakers of both houses.

Order for the forces of Cheshire for money.

A day set to consider how the army under sir Thomas Fairfax shall be disposed of.

25. Orders for money and clothes for the forces in Ulster.

Order to continue the committee of both kingdoms till the last of November next, and that if the Scots commissioners shall refuse to join with them, then they were to act by themselves.

Votes, that the estates of the lord Capell, lord Cottington, marquis of Winchester, earl of Worcester, and sir Charles Smith, should be sold, to raise money for Ireland.

Some of the assembly of divines from the rest brought into the house such heads of the articles of faith as they had perfected.

The establishment and securing of Wallingford-castle referred to the general, and a committee named to draw up a new establishment thereof.

I laboured with the general and with the members of both houses to get an order for the demolishing of it.

26. The house sat not.

28. Letters from the north certified, that the convention at Edinburgh agreed that the Scots army should march out of England upon the receipt of the 200,000*l.* as agreed, and all towns and castles held now by them in England to be delivered up; that they are sending a plenipotence to their commissioners here, to determine with the parliament of England as to the dispose of his majesty's person. Scots letters.

The Irish rebels by declaration disclaimed the peace made with the protestants.

The articles of the surrender of Scilly islands sent up.

29. Vote, that no office shall be conferred by any committee upon any person without consent of the parliament.

A committee of the long robe appointed to make some amendments in the ordinance for security to the advancers of the 200,000*l.*

Great complaints of the quartering of the Scots army in the north, and in Lancashire.

In which business I laboured more than ordinary to quit my poor country of so many soldiers.

Denbigh-castle was upon treaty of surrender.

Order against the great resort of multitudes of people to the door of the house; and it was observed then, that some of those gentlemen who formerly most encouraged such resort were now most fearful of them.

30. The public fast-day: the house met after the sermons, and ordered an ordinance to be drawn up, to be read in every congregation on every fast-day; and therein the sins of the nation to be mentioned and lamented, and particularly in relation to Ireland.

The ordinance for observation of the public fast-day sent up to the lords with some amendments.

An ordinance to be drawn up to prevent clandestine marriages without the consent of parents.

October 1646.

1. Order for 500*l.* to be paid to the executors of the late earl of Essex, for defraying some engagements, and for the charge of his funeral; and that of 4,500*l.* due to his countess, who was disaffected to the parliament, 4000*l.* should be paid to the state, and 500*l.* to colonel Matthews, and to the servants of the earl.

Great seal. A question being propounded, whether the great seal should be disposed of into the hands of members of both houses; the question was put, whether that question should be put or not, and carried in the negative.

Voted, that it should be disposed into the hands of three commissioners; that the members of both houses, late commissioners of the great seal, as a token of favour from the parliament and kingdom, should have 1000*l.* bestowed on them for all their faithful services.

That the earl of Salisbury, one of the late commissioners, should have the thanks of the house.

That the members of the commons late commissioners of

the seal should have the privilege to plead within the bar, next to the solicitor-general of the king.

An ordinance voted to be brought in for settling 5000*l.* per annum upon sir Thomas Fairfax and his heirs.

Many aldermen and common-councilmen of London desired to know the pleasure of the house whether the works about the city should be slighted or not, and if not, then they desired 12,000*l.* for the maintenance of them: the house appointed the committee of the army to treat with the militia of London about it.

Letters informed that the popish clergy at Waterford have pronounced the supreme council at Kilkenny to be perjured for agreeing to the peace, and proceed to excommunicate them.

2. The house sat in a grand committee till seven at night, upon the ordinance for disposing of bishops' lands.

3. Private petitions heard.

Order for 2000*l.* for the officers and garrison of Dover, and for payment of the debts of the state to some handicrafts-men, and for 2000*l.* for colonel Sanderson's regiment, upon their disbanding.

Order for seizing upon a new impression of the Common Prayer.

Referred to a committee to find out the author and printer of a pamphlet, called, *Yet another Word to the Wise,* that they may be punished. Pamphlet.

5. Ordinance for settling 200*l.* per annum on Mr. Hugh Peters.

Order for a new election.

The negotiations of some captains of the parliament's ships with the marquis of Ormond confirmed, as to lending to him arms and ammunition against the rebels; and order for letters of thanks to captain Willoughby, one of those captains.

Orders for supplies for Ireland.

Ordinance sent up to the lords for sale of bishops' lands: treasurers and trustees for it named.

Letters informed that the estates of Scotland had fully agreed to the Scots army marching out of England, and the garrisons to be delivered up upon payment of the 200,000*l.* as was agreed.

The Irish rebels drew their forces towards Dublin, and the 224
marquis of Ormond prepared for defence.

Colonel Bethel was called into the house, and had their thanks for his good services.

Beaumaris-castle in Anglesey was surrendered to the use of the parliament, upon articles.

Commissions altered.

Order that all commissions made to sea captains which were as from the king and parliament, which some of them interpreted to the prejudice of the parliament's service, should be altered, and made in the name of the parliament only.

Order for money out of delinquents' estates in Wilts for disbanding the forces there.

Confession of faith.

The confession of faith, brought in from the assembly, debated.

Order for 1700*l.* out of delinquents' estates in Lincolnshire to be paid to the earl of Lincoln, which he had disbursed for the parliament's service.

A French pirate taken by the parliament's ships.

The Irish rebels prevailed.

A conference by the committee of lords and commons with the Scots commissioners about disposing of the king's person.

7. Upon letters from sir Thomas Fairfax for pay and clothing for the army.

Ordered that the assessment be continued for six months longer for the pay of them.

Order for 3*l.* a week for maintenance of the widow and children of Mr. Franklyn, a member of the house, that died a prisoner to the king's party, and that the arrears of M. Franklyn be computed and paid.

Order for hastening the payment of 10,000*l.* to the poor widows, and for relief of tenants whose landlords were of the king's party.

For supplies for the northern forces.

8. Composition of the lord Saville allowed, and out of it 1000*l.* was ordered for the widow and children of captain Askwith, who laid out 960*l.* in raising a troop of horse for the parliament.

Great seal.

Votes, that sir Rowland Wandesford, sir Thomas Beddingfield, and Mr. John Bradshaw be commissioners of the great seal for six months, sent up to the lords.

9. Progress upon the articles of faith.

Votes of both houses that captain Pen be captain of the Assurance frigate.

The committee of both houses debated with the Scots commissioners about disposing of the king's person.

An ordinance sent up to the lords for 400*l.* for the poor Irish protestants here.

The lords desired a concurrence of the commons in the ordinance for dissolving of all country committees.

10. Debate upon the accounts of sir William Brereton as major-general, and a committee named to consider of the pay of 10*l.* per diem to every major-general and of their incident charges, and of the free quarter and provisions taken by them. They ordered 5000*l.* to sir William Brereton out of such delinquents' estates not yet compounded for as he should nominate.

Order that the tax of one per cent. for Plymouth shall continue till January the first, and no longer.

Vote for a balloting box to be made.

12. Report of seven ordinances drawn out of the propositions for peace:

1. For justifying and confirming the proceedings of parliament. Ordinances.

2. For settling the militia of England and Ireland in the parliament for twenty years.

3. For confirming the treaty with Scotland.

4. For making void all titles under the great seal after it was carried away.

5. For confirming the present great seal, and all acts done thereby.

6. For making void the Irish cessation.

7. For disposing offices by consent of parliament.

All these, except that of the militia and Scots treaty, passed, and sent up to the lords.

An ordinance appointed to be drawn, to enjoin all to take the covenant.

Order touching compositions of delinquents.

A malignant chosen major of Berwick sent for, and the old major continued.

A petition of many officers and soldiers of the parliament's, that they may not be prosecuted at law for things done by them in the war, and as soldiers upon sundry exigencies. Petition.

Conference about disposing of the person of the king.

A committee appointed to treat with the commissioners come from the marquis of Ormond.

The French ambassador and agent were with the king at Newcastle.

The plague broke forth there, brought from London.

Letters informed that divers inhabitants of Northumberland had left their habitations, by reason of the oppression by the soldiers quartered with them.

13. The lords concurred to the ordinance for sale of bishops' lands, for advance of 200,000*l.* for the Scots army, and to take away the power of committees for disposing of offices, and desired the concurrence of the commons to take away all country committees.

An ordinance sent up to the lords for an assessment for the garrisons of Bristol and Gloucester.

Vote for an ordinance for 53,000*l.* per mensem, assessment for the army.

Debate touching the confession of faith.

An ordinance passed for constituting the three commissioners of the seal, with a proviso, that if any of them be chosen a member of the parliament, he shall leave his place.

Vote for continuing the seal-bearer.

The ordinance passed for sale of bishops' lands, and to secure the 200,000*l.* to the Scots.

14. The house sat in a grand committee upon the ordinance against heresies.

Report of the marquis of Ormond's propositions:

Ormond's propositions. That he desired supplies and moneys for the forces with him, and that he would either come to London, or go beyond sea, or serve in Ireland, as the parliament pleased, and surrender Dublin, &c. recommitted to treat further upon the surrender of Dublin, and the other garrisons.

225 A letter from Ormond to the king, and another to London, laid aside, not to be delivered.

Great seal. The ordinance for the commissioners of the great seal again presented to the lords at a conference, with some alterations, as reserving power to make justices of the peace, to present to parsonages, &c.

Disposal of the king's person. The house sent and seized at the press the papers of the lord-chancellor's speeches, then in printing, touching the

disposal of the king's person, and took the printer and bookseller into custody for doing it without license of the houses, though they had the warrant of the Scots commissioners for it.

15. A pass from both houses to transport sixteen nags beyond seas.

A committee named to bring in an ordinance for the indemnity of officers and soldiers who have taken necessaries in the time of war, and are now prosecuted for it at law, and the committee to receive complaints, and give relief in the mean time.

A letter from the Scots commissioners desired the enlargement of the stationer and printer of their speeches, and the printer and stationer submitted, referred to further examination.

Ordinances sent up to the lords for 10,000*l.* for the poor widows, for 400*l.* for the poor Irish protestants here, for settling the militia, and for the treaties with Scotland.

16. A committee named to consider of printing the Septuagint Bible.

A conference about the printing of the lord-chancellor of Scotland's speeches.

An ordinance sent up to the lords for transporting of persons to foreign plantations.

The house sat in a grand committee in the afternoon about the assessments for the army.

17. Order that the marquis of Hertford's lady, or others, who had seized money or writings in Essex-house, should restore them to the executors of the earl, viz. the earl of Northumberland, the earl of Warwick, and Mr. solicitor St. John.

A committee named, to whom the probate of this and all other wills was referred, and also a petition of the doctors of civil law concerning the probate of wills.

Order that neither the marquis of Hertford, nor any other who had borne arms against the parliament, should go with the corpse of the earlof Essex at his funeral.

Vote for 15,000*l.* for the forces in Ireland, and for 5000*l.* for the forces of major-general Poyntz.

Sir Francis Willoughby, one of the lord Ormond's commissioners, sent back to inform him what the parliament had done.

19. Debate about the trustees for sale of bishops' lands.

Order that all the members of the house do attend the funeral of the earl of Essex, and that the house be adjourned for that day, as the lords had done.

In the afternoon the house sat till six at night, upon the ordinance for sale of bishops' lands.

The general, with major-general Massey, went to the Devizes, where a rendezvous was appointed for the disbanding of such of major-general Massey's forces as would not go for Ireland.

20. One arrested contrary to the articles of Oxford; the sergeants sent for as delinquents, upon a certificate from sir Thomas Fairfax.

Great seal. Difference about the commissioners of the seal: the lords named four more to be added to the three named by the commons: they altered their former vote for the three commissioners, and ordered an ordinance to be brought in to establish the former six commissioners, members of both houses.

Order that colonel Mitton offer reasonable conditions to the garrisons in Wales not yet reduced, which if they refuse within twenty days, that then they shall not be received to mercy; and referred to a committee to consider of employing those forces for Ireland after the rest of the garrisons should be reduced; and a letter sent to colonel Mitton to acquaint him with these votes.

Kings at arms. Votes for Mr. Bish to be Garter king-at-arms, and Mr. Bish to be Clarencieux, Mr. Riley to be Norroy, and a committee to regulate their fees.

The papers of the Scots commissioners brought in touching the disposal of the king's person; and the house sat in a grand committee all the afternoon about the ordinance for sale of bishops' lands.

The money and writings of the earl of Essex taken away were restored.

Captain Batten voted to be vice-admiral of the winter fleet.

Dunkirk was surrendered to the French upon articles, great solemnities of thanksgiving, great guns and bonfires for it in France.

21. The house sat in a grand committee upon the ordinance for sale of bishops' lands.

A committee named to consider of regulating the chancery, and to receive complaints touching fees of that or any other court of equity within the kingdom.

Referred to the same committee to consider who are fit to be justices of the peace, and who not, in all counties.

22. The funeral of the earl of Essex was solemnized with great state.

All the members of both houses, sir Thomas Fairfax, the civil and military officers then in town, and the forces of the city, a very great number of coaches, and multitudes of people present at it.

The general had been at the Devizes to disband the brigade of major-general Massey; which was done with little trouble, and few of them listed themselves for Ireland.

From the disbanding, the general hastened up to London, and was at the funeral of the earl of Essex.

23. The old commissioners of the seal had been voted to Great seal.
be continued, upon the difficulty of constituting new commissioners: now the old commissioners were voted down again, and an ordinance passed, and sent to the lords, to make the two speakers commissioners of the seal till twenty days after this term.

This uncertainty and change of resolution in the house was much discoursed of by some who were not their friends; they were reflected upon for it.

But they excused themselves by reason of the difference in opinion from them by the lords, and now they began to be more apprehensive than formerly that so great a trust as the custody of the seal was most proper and fit to be only in their own members.

Order for a commission to enable the master of the rolls and the judges to hear and determine for the present all causes in chancery.

Order that the judges in Sergeants-inn, the benchers of 226
the inns of court, and principals of the inns of chancery, shall permit no lawyers that have borne arms against the parliament to be in any of those societies.

Referred to a committee to examine the entry of Mr. White into a lodge belonging to sir Thomas Walsingham.

Order for 6000*l.* to be paid to the committee of Berks for Abington garrison, and that the committee of the three

counties do consider what forces of that garrison and in those counties are fit to be disbanded.

Upon petition of the stationer and printer of the lord Loudon's speeches they are discharged.

The grand committee sat in the afternoon about bishops' lands.

24. Progress about bishops' lands.

Complaints from the north of their burdens.

Vote that the chancery shall not proceed in any cause determinable at law.

High-sheriffs nominated.

Ordinance passed for the two speakers to be commissioners of the seal.

26. Progress about the sale of bishops' lands.

The lords desired the concurrence of the commons for the quartering of sir Thomas Fairfax's army more northerly.

Orders for supplies of forces.

Both houses voted captain Swanley to be admiral of the Irish seas.

Order to audit the arrears of colonel Fleetwood.

Debate about the Scots papers touching the disposal of the king's person, and it was referred back to the committee.

Indictment in Bucks for not reading the Common Prayer complained of.

Ordered that an ordinance be brought in to take away the statute that enjoins it, and to disable malignant ministers from preaching.

This was much opposed by me and some others, as contrary to that principle which the parliament had avowed of liberty of conscience, and like that former way complained of against the bishops for silencing of ministers.

Progress about the assessments for the army.

A petition and letters from the north informed that the Scots army quartering in those parts tax them seven times more than their revenue, rob, beat, and kill the inhabitants, who are more slaves to them than any are in Turkey.

That the plague was begun amongst them.

27. Orders for compositions, and for the committee of Goldsmiths'-hall to put in execution the ordinances for sequestrations.

Order for a collection for the poor.

The city of Chester chose Mr. recorder Glyn to be an alderman of that city instead of the earl of Derby.

Sir Thomas Wharton, sir Robert King, sir John Clotworthy, sir Robert Meredeth, and major Salwey, appointed commissioners for Ireland.

28. The monthly fast kept.

Care for the 10,000*l.* for widows and wives of soldiers and others.

Three ministers sent to preach in Wales.

Mr. Sympson, formerly silenced from preaching, because he differed in judgment from the assembly in some points, was restored to his liberty.

29. Progress in the grand committee upon the sale of bishops' lands.

The lord Monson, a member of the house of commons, desired to wave his privilege, and to have a suit against him proceed: the house appointed an ordinance to be brought in to take away the privilege, as to title and debts; the person only to be privileged, and not his lands or goods. Privilege.

Both houses agreed to the ordinance to make void all titles and honours granted under the great seal after it was carried away from the parliament.

Letters from major-general Poyntz and others informed that the Scots laid intolerable assesses upon the country, and kept sentinels and guards, as if they had enemies near them, and examined all passengers.

The house ordered that sir Thomas Fairfax should give command to major-general Poyntz and colonel Rossiter to keep guards, and examine all passing that way northward.

30. The grand committee sat about the ordinance for sale of bishops' lands.

Order for drawing off all the great guns from the works for the ease of London and Westminster, and a regiment of twelve hundred to be completed for the guards.

An ordinance committed for sale of the estates of the earl of Worcester, &c.

An ordinance read to constitute the two speakers fully commissioners of the seal.

31. Progress upon the bishops' ordinance.

A letter of the Scots commissioners, complaining of the necessities of their army, and of some scandalous papers printed Scots commissioners.

of the sufferings of the northern parts by their army, referred to the committee for complaints.

Letters informed that lieutenant-general Lesley gave a protection to one Metcalfe in the north, a great papist, to free him from assessments, team-horses, free quarter, &c.

Order that the Scots commissioners be acquainted with it.

Great seal. The ordinance passed, and the great seal was delivered to the two speakers as commissioners of it, in the presence of both houses.

November 1646.

2. The third ordinance for sale of bishops' lands ordered to be sent up to the lords.

A committee appointed to consider what allowances are fit to be to the bishops.

The commissioners of the great seal began the business of the seal, and one judge and a master of the chancery sat by turns to hear the causes there.

Denbigh-castle was surrendered upon articles to major-general Mitton.

Letters informed that sir James Lesley had demanded the fee-farm rents in the north for the king, and forbids the payment of them to any other.

That on the fast-day they were at play at the court.

That the marquis of Huntley and the Gordons refuse to submit.

That the earl of Antrim is strengthened from Ireland and by Montrose's men.

That the French ambassador was constantly with the king.

3. Votes for due observation of the articles of Oxford, and touching compositions, and for keeping other articles inviolably.

227 The lords desired a committee might be appointed to consider of the disposal of the great seal after the time that the two speakers expired.

The grand committee ordered to sit in the afternoon touching the assessment.

Men and supplies hastened for Ireland.

4. Order for 1500*l.* arrears to be paid to colonel Purefoy.

An ordinance touching the approbation of gifted-men to preach laid aside.

Debate upon an ordinance for repairing churches and

chapels ruinated in the war, and another for payment of church duties.

5. The gunpowder treason day kept.

Information touching passes granted by the king to ship-masters.

The papers of the lord-chancellor of Scotland's speeches, &c., touching the disposal of the king's person, said to be printed first at Edinburgh, and afterwards reprinted at London, notwithstanding the prohibition of the parliament to the contrary.

6. Progress upon the whole day's debate touching the sale of bishops' lands.

The rebels were in a great body within eight miles of Dublin.

7. A committee named to inquire out the printers of the lord Loudon's papers.

Order for 5000*l.* for the treasurers for advancing plate, &c.

A message to the lords to name a committee to be of both houses, to consider of the disposal of the great seal.

Debate upon the ordinance for sale of delinquents' estates.

Letters of sad complaints from the northern parts, of the sufferings by the Scots army, referred to a committee, and power given to them to hear complaints of the like nature from the country.

9. A committee named of both houses to consider of the disposing of the great seal after the time expired of the present commissioners.

Debate about a petition of the duke of Bucks concerning his sequestration, and about the selling of bishops' lands.

Letters from York of the oppressions of the Scots army mention, that either the country must fall upon the Scots or forsake their own habitations and livelihoods; that among the English forces are mutinies upon mutinies, and much feared that they will be broken, and that the Scots will entertain them.

Letters from Ireland informed the danger that Dublin was in; that sir Arthur Ashton was there with the marquis of Ormond; and all the citizens, papists and protestants, were commanded duty.

That the Irish rebels grew strong and numerous, and have straitened Dublin by taking all the out-garrisons.

That the governor coming forth to treat upon articles for the surrender of it, the rebels in the mean time surprised the garrison, killed the governor and the minister, and many others.

10. Ordinances passed for compositions.

Order to put in execution the ordinance for sequestrations, and about such as have not made their compositions, and that no delinquent shall have his estate farmed to him or any in trust for him, unless he be effectually going on in his composition; and other orders to bring in money.

11. Vote to slight Rockingham-castle.

An ordinance committed to appoint three ministers to preach in Cirencester, and another for maintenance for all the preaching ministers in the kingdom.

Orders for writs for new elections.

12. An ordinance sent up to the lords for redemption of captives taken by the Turks and Moors.

An ordinance sent up to the lords enabling the committee of the navy to borrow 12,000*l.* to buy powder.

Order for the privilege of the sergeant-at-arms attending the house.

The ordinance for sale of delinquents' estates altered by the lords.

13. Both houses ordered to go to sir Thomas Fairfax to congratulate his coming to town, and to give him their hearty thanks for his good services.

Both houses constituted the earl of Mulgrave vice-admiral of Yorkshire, in the place of his father lately deceased.

Col. Monk. Upon a message from the lords, that colonel Monk, a prisoner to the parliament, had taken the covenant, and was ready to take the negative oath, and their lordships conceived him a fit man to be employed in the service of Ireland, in regard of his abilities in martial affairs, and desired a commission might be granted to him for that purpose; the commons agreed thereunto.

Debate about the sale of bishops' lands.

14. A vote for an ordinance to pay 12,500*l.* arrears to reduced officers out of lands of papists and excepted persons which they should find out.

The declaration read concerning the payment of the 2000*l.* to the Scots.

A petition of ten thousand clothiers referred to a committee.

Both houses visited the general.

16. The visits of the general by the two houses were several: first, the house of lords and their speaker complimented him, and then the house of commons; and to both he made a short and modest answer. Both houses visit general Fairfax.

Debate touching the pay of the army.

A petition of the duke of Bucks granted by the lords, but the commons referred it to the committee of sequestrations. I took pains in this business on the behalf of the duke, in respect of the near relation of my family to his.

Some alterations of the lords to the ordinance for sale of bishops' lands assented to, others not.

Petitions of sir Robert Cook and Mr. Henry Cook referred to the committee of sequestrations.

A proclamation of sir Thomas Fairfax by sound of trumpet for all his officers to return to their quarters.

Letters from Newcastle informed that the parliament of Scotland had confirmed what their commissioners had done concerning the disposal of the king's person, to be with all honour and freedom, &c., at which there was much joy at Newcastle.

Letters from major-general Poyntz informed that an unparalleled mutiny was among the soldiers of the garrison of York. Mutiny at York.

That about six o'clock in the morning, a multitude of them came to his house, and began to break his windows, and cried, "Money, money, money," and endeavoured to break open his doors.

That he went out to them, and asked them what they desired; they cocked their matches, and held their pikes at his breast; cried, "Money, money, money," and that they would have him and the committee along with them, till all their arrears were paid, which was but six weeks, their officers 228
having received ten days before a month's pay, which they had paid them.

That the major-general told them this carriage would bring them to shame and infamy, and gave them such language as became a commander to insolent soldiers; at which, some of them being afraid, and others persuaded, they went along with

him to the lord mayor's house, where they found another company of mutinous soldiers, who had broken into the lord mayor's bedchamber, and given him very opprobrious speeches. That he seeing but six or seven of them in the chamber drew his sword and wounded two of them, and thereupon the rest fell upon their knees and asked pardon, and the major-general went out with his sword drawn into the streets, and all the soldiers laid down their arms and departed, and so the mutiny ended, and the committee paid the soldiers all their arrears, dismissed them, and other companies were brought into the garrison.

Order for money for major-general Poyntz, and that the mutineers should be tried by martial law.

Ill weather hindered the forces going for Ireland; but afterwards about two thousand of them were shipped.

Duke of York.

17. Vote for an allowance of 7,500*l.* per annum for the duke of York, and left to the earl of Northumberland to choose servants for him.

Orders touching the repair of Humber banks and Newcastle bridges, &c.

The ordinance passed for redemption of captives taken by the Turks.

The ordinance passed for raising the 200,000*l.* for the Scots army.

18. Orders for new elections.

An ordinance read for enjoining the covenant to be taken by all, and thereupon a debate about tender consciences.

Referred to the speaker to grant warrants for persons upon an information of danger, and secrecy ordered.

Conway-castle surrendered to the parliament.

The assembly kept a fast.

Hudson, the king's guide, escaped prison.

19. Order for 10*l.* per week allowance for the marquis of Winton and his lady.

Petition from Kent.

A petition of many of Kent presented to the house,

That ministers may not receive tithes for their maintenance, but be provided for some other way.

The house gave them thanks for their good affections.

An ordinance read for explanation of a former ordinance for sale of bishops' lands.

20. Debate upon the ordinance for blasphemies and here-

sies, and upon the explanatory ordinance for sale of bishops' lands.

21. A discovery of Mr. Mynnes's delinquency, and ordered that 4000*l.* in the hands of sir Humphry Forster, due to Mr. Mynnes, should be paid in by him to the committee of Haberdashers'-hall.

Debate upon the ordinance for pay for sir Thomas Fairfax's army.

23. Debate upon the ordinance against blasphemies and heresies, and the punishment voted to be death.

The lord mayor and aldermen of London gave a congratulatory visit to sir Thomas Fairfax, and the recorder made a speech to him.

The committee of Westminster imprisoned bailiffs who arrested their officers.

Letters from Newcastle informed that the earl of Antrim and Kilketto in Scotland refuse to lay down arms, and the rest of the Gordons' part, though the king sent to them to do it.

Some of the mutineers at York executed.

Some of the supplies for Ireland were safely landed there.

24. A report from the committee touching the conference with the Scots commissioners, about disposing of the king's person, in which the Scots urged, that it might be done by joint consent of both kingdoms, and in their speeches seemed to reflect and bring an odium upon the proceedings of the parliament in that business, and to persuade the people into such an opinion, and in favour of what the Scots commissioners had said therein. About disposal of the king's person.

That the papers of the speeches of the Scots commissioners in this business had been unduly printed to this end, that the Scots had promised to bring in their positive answer to this business, but had not yet done it, whereupon the committee had framed a declaration in vindication of the parliament's proceedings, which was read.

Referred to the committee of both kingdoms to treat with the Scots commissioners about the time and place of payment of the first 100,000*l.* to them, which was now ready, and about the march of their army out of England.

A committee made to consider of the losses of the lord Say, sir Rowland Wandesford, colonel Fleetwood, and other officers

of the court of wards, by the taking away that court, and how they may have a satisfaction.

Order for payment of arrears to sir Edward Doddesworth, commissary of the horse to the earl of Essex, and for auditing the arrears of the officers of colonel Massey's brigade, and about 40,000*l.* for officers of the fourth list.

Letters that Dublin was well fortified to resist the rebels.

25. The fast-day, and some new members took the covenant.

26. A declaration passed for security of those who double their money owing upon the public faith towards the raising of the 200,000*l.* for the Scots.

Order for a new election.

Order touching the 10,000*l.* for the necessitous persons, widows, &c.

Leave for colonel Popham and Mr. Gaudy to go into the country.

Letters informed the landing of the English forces at Dublin, and sir Charles Coote breaking through the rebels' army with a party, caused them to draw further off from Dublin, and that the lord Inchequin hath had success against the rebels in Munster.

27. The house sat till six at night about the declaration of the arguments and answers in the conferences with the Scots commissioners touching the disposing of the king's person.

Tombs defaced. The hearse and effigies of the late earl of Essex was cut to pieces and defaced, as it stood in the abbey of Westminster, and the like barbarous action was to the tomb of old Cambden there.

28. Vote of both houses for the earl of Rutland to be justice in eyre of all his majesty's forests and chases beyond Trent.

Scots papers. The house sat till five at night about the declaration touching the Scots papers, and passed it. Carried in the negative, not to be sent to the lords for their concurrence, but to be enclosed and sent in a letter from the speaker to the Scots commissioners here, and afterwards to be printed and published.

229 30. Debate upon the ordinance against heresies and blasphemies, wherein those of the presbyterian judgment were very violent and severe. I spake to the displeasure of them, about the uncertainty of the words *blasphemy* and *heresy*.

Letters from major-general Poyntz informed of a design to surprise Pomfret for the king, but discovered and prevented: others, that his majesty had given commissions to divers gentlemen in the north lately to raise forces against the parliament: others, that there was a late conspiracy to betray Lynne.

The house ordered all the conspirators to be sent for by a sergeant-at-arms, and letters to major-general Poyntz and general Leven to assist the sergeant's deputies for the apprehending of them.

Orders for supplies of money for the garrisons of Lynne and of Portsmouth.

The lords' concurrence desired to the vote for the committee to treat with the Scots commissioners about the time and place of payment of the 200,000*l.*, and the advance of the Scots army.

Referred to the committee of the navy to consider of raising money to repair the banks of Humber.

Letters from Ireland informed, that after the parliament's commissioners and forces were landed at Dublin road, the marquis of Ormond, contrary to expectation and the former treaty, denied to deliver possession of Dublin to them, because he had not yet received his majesty's consent thereunto; and upon this the parliament's commissioners shipped again the forces to join with the British forces at Belfast. Ormond.

That the Irish rebels upon the coming of the English forces were so terrified, that they drew off, and attempted nothing against Dublin, and that nothing was attempted against them by the marquis of Ormond.

December 1646.

1. Report from the committee appointed to give in three names of gentlemen in each county fit to be made sheriffs, and the house chose one of the three, and went this day through most of the counties.

Order to revive committees that sat *de die in diem*, that old businesses may be despatched.

Order to state accounts of Massey's men.

The declaration touching the Scots papers being sent to their commissioners, they sent it back again, because it came not from both houses, and the commons ordered it to be printed.

The lords' concurrence declined.

It was wondered at by many that the concurrence of the lords was declined in this business, but a great ground thereof was, to have the more expedition, and because it was supposed the lords would not consent to many parts of it.

The single and great question was,

Whether the kingdom of Scotland had any right of joint exercise of interest in disposing of the person of the king in the kingdom of England?

The papers, arguments, objections, and answers between the committee of parliament and the Scots commissioners upon this point were very long, and are in print by themselves, therefore here omitted. And their proposal, that the king might come to London with honour, freedom, and safety, is there considered.

2. The ordinance sent up to the lords for the assessment for the army, and orders for speedy collecting it, passed, and a complaint against colonel King for obstructing the levying of moneys in Lincolnshire, referred to a committee.

A fast appointed for averting God's judgments by the unseasonable rain.

Debate about provisions for the next summer's fleet, and about habeas corpus.

3. Orders touching arrears of reduced officers, and about the 10,000*l.* for widows of soldiers, &c.

Order for the speaker to write to the several committees to advance the coming in of the excise.

Assembly.

The assembly presented to the house the last part of the confession of faith.

4. Petitions of the suffering gentry of Durham and of Rutlandshire, by the insupportable burdens of the Scots army upon them, ordered to be considered.

Debate upon the ordinance for the assessment for sir Thomas Fairfax's army, and a proviso to exempt the northern counties from the tax, laid aside, and another to exempt college-rents: the ordinance sent up to the lords.

Order to state the accounts of major-general Massey, now a member of the house.

5. Order to send down the 100,000*l.* to York for the Scots army, and for sir Thomas Fairfax to send a convoy with it.

An ordinance sent to the lords for redemption of the captives of Algiers.

Great endeavours were to get hands to a petition of the city of the former strain, and to settle the presbytery and suppress sectaries, &c.; contrived by some to raise divisions. Divisions.

7. Debate about the latter part of the Confession of Faith, and five hundred copies of it ordered to be printed for the members of both houses, and that the assembly do bring in their marginal notes to prove every part of it by Scripture, and their answer to the queries touching the point of *jus divinum*. Assembly. Jus divinum.

A committee of both houses appointed to consider of the business of the petition now in agitation in the city, which may tend much to endanger the peace of the parliament and city, and to find out some expedient to preserve the peace.

Order for the committee of both kingdoms to conclude the treaty with the Scots commissioners about the marching of their army out of England.

Order for a new election.

Order to send for the bishop of Worcester.

Sir William Russel and the mayor in custody.

Order for 1000*l.* for physicians and chirurgeons to look to the maimed soldiers.

Order to free the libraries and other things in Oxford useful for learning from sequestration.

Letters from Ireland informed that the lord Digby told the nuncio there, that he had done ill service to the king, and the nuncio told him thrice he lied.

Four thousand pounds allotted for Ireland.

8. A full agreement with the Scots commissioners, that when 100,000*l.* come to Topcliffe, the Scots shall give hostages to quit all their quarters, possessions, and garrisons on the south of Tyne within ten days, and then the hostages to be redelivered, and upon delivery of the other 100,000*l.* on the north of Newcastle, the Scots to deliver hostages to march out of England, Berwick, Carlisle, and the garrisons in Scotland to be slighted within ten days. Agreement with the Scots.

For the second 200,000*l.* the Scots are to have the public faith, and 900*l.* were allowed to the tellers of the 200,000*l.*, 230 and 1600*l.* for the charge of the carriages of it.

Vote, that all who shall raise forces against the parliament or either house hereafter shall die without mercy, and have their estates confiscated. Vote.

And in all these votes the lords concurred.

Supplies for the northern forces.

Orders touching compositions for delinquents.

Upon suspicion of a plot to surprise York, major-general Poyntz drew in his forces into the city.

General Leven and sir James Lumsden governor of Newcastle published a proclamation, that all who had borne arms against either kingdom should depart the town and all quarter of the Scots army within twenty-four hours.

9. The fast-day. After sermons, the house passed the ordinance for the better observation of the Lord's day.

10. Debate touching compositions.

Petition. Petition of colonel Whaly, that the earl of Newcastle unjustly possessed an estate of 300*l.* per annum of the colonel's father, and prayed he might have that estate upon sale, in lieu of so much of his arrears; which being proved, the house ordered accordingly.

Order that delinquents' tenants for life might compound for one year's value.

Letters of the French ambassador stopped, ordered to be redelivered to him.

For colonel Purefoy to have 1500*l.* of his arrears, and for sir Walter Earle to have 750*l.*

Order for new elections.

The city petition. The city petition formerly mentioned was presented to the lord mayor, aldermen, and common-council; the petitioners had thanks, were desired to return home in peace; and the petition referred to a committee of the aldermen and common-council.

11. Upon debate in the grand committee a sub-committee was appointed to bring in an ordinance to take away all coercive power of committees, and another to take away all arbitrary power from both or either of the houses of parliament, or any of their committees, in any matter between party and party.

I laboured much in promoting of these votes, and drawing of the ordinances, as that which I thought would be for the honour of parliament and the ease and right of the people.

Upon recommendation of sir Thomas Fairfax the house voted major-general Skippon to be governor of Newcastle and Tinmouth, and to keep still the command of Bristol by

a deputy, and to command in chief the convoy of the 200,000*l.*

Upon extraordinary confluence of delinquents and papists to London,

An ordinance passed both houses to put them out of London, and twenty miles distant, for two months.

Upon a petition of reduced officers, an ordinance was appointed to be brought in for sale of delinquents' and papists' estates, to pay the petitioners in such manner as the sale is to be of bishops' lands.

Debate about the answer to the queries touching *jus divinum*, and about Mr. Dell's sermon.

14. Desires of the Scots commissioners touching the payment of the last 200,000*l.* debated, but not granted.

Letters from Newcastle informed of the continuance of delinquents in great numbers thereabouts, of a Dunkirk ship come to Tinmouth, and a book there printed in answer to the assembly of divines, and for episcopacy. That some of the malignants there were apprehended by the major.

That twenty thousand men were to be shipped from Holland, French and English, for England, under the duke of Lorrain to be general, and prince Rupert to be lieutenant-general, to assist the king. That this is procured by the French ambassador now with his majesty, and that he hindered the surrender of Dublin to the parliament's commissioners.

15. Sir David Watkins reported upon the exchange that sir John Evelyn, a member of the house, said, that since the citizens of London intended to come to the parliament with their petition in a tumultuous and unlawful manner, that he thought fit sir Thomas Fairfax's army should be sent for to quell those mechanic spirits. This testified by Mr. Pennoyer: and thereupon sir David Watkins was sent for to answer this scandal.

Referred to the committee of the north to name six knights and six esquires, for the house to choose of them three knights and three esquires, to be hostages for payment of the money to the Scots, and care taken for sending down the money.

Vote for Mr. Bence to be a commissioner of the navy.

Ordinance sent up to the lords for payment of 500*l.* to

Mr. Phips out of the marquis of Winton's estate, for which sir John Danvers was engaged.

Scotch minister. A Scotch minister preached boldly before the king at Newcastle, and after his sermon called for the fifty-second psalm, which begins, *Why dost thou, tyrant, boast thyself, thy wicked works to praise?*

His majesty thereupon stood up, and called for the fifty-sixth psalm, which begins, *Have mercy, Lord, on me I pray, for men would me devour.*

The people waved the minister's psalm and sung that which the king called for.

16. An ordinance sent up to the lords for disposing 4550*l.* arrears of the jointure of the countess of Essex, by reason of her delinquency.

Sir David Watkins called into the house, denied the words which Mr. Pennoyer justified to be spoken by him of sir John Evelyn, and said he heard them from one Mr. Drake, who was ordered to be sent for.

The two speakers continued commissioners for the great seal twenty days longer.

Order for the committee of elections to sit, and for reports every Monday from the committee of privileges.

The lords' concurrence desired to the treaty for the 200,000*l.*, and 100,000*l.* of it sent away.

17. Order for 3000*l.* for the poor widows, &c.

Hostages. Hostages agreed to by the Scots for the 200,000*l.*, sir William Selby, Mr. de la Vale, sir Edward Loftus, sir Thomas Trollop, sir Henry Mildway, and sir William Browton.

Mr. Drake called in about speaking the words touching sir John Evelyn, named one Mr. Aldwyn, who said he heard it from a member of the house, referred to a committee.

18. To the Scots paper desiring aid of this kingdom against the rebels in Scotland, the house answered, that that was no obstruction of their march or delivery up of the garrisons,
231 which being done, then the house would consider of that particular.

To that of charging the country upon their march out of England, was answered, that they should take no money nor goods of the English subjects, but pay and discharge all their quarters; and the form of their receipts for the 200,000*l.* was agreed upon.

The committee of both houses ordered to meet about disposing the great seal.

Sir Thomas Fairfax went towards Northampton to give order for the convoy of the Scots money; and 50,000*l.* was carried thither for his army.

19. Order for 2000*l.* for sir Peter Killegrew for his interest in Pendennis-castle, and for 1000*l.* for the burying of the earl of Worcester, and the *Dockra*, to be according to the Directory.

Petitions. The lord mayor, aldermen, and common-council, and many citizens of London, presented the petition formerly mentioned first to the lords, who gave them thanks, then to the commons, who, after much debate, gave them thanks for all their good services, and appointed a day to consider of the petition, and also the petition of the gentry of Durham.

Another considerable party of the city were about a different petition.

21. Orders touching the payment of the second 200,000*l.* to the Scots, and that they should not take free quarter. These to be communicated to the Scots commissioners.

Commissioners for Scotland. The earl of Stamford for the lords, and Mr. Ashhurst and Mr. Goodwin for the commons, named commissioners to go into Scotland to satisfy the parliament there of all proceedings, and to prevent misunderstandings between the two kingdoms; and a committee appointed to draw instructions for them.

Durham's petition. Upon a petition of many of Durham, that the Scots army may be removed, and 25,666*l.* paid, due to them since 1641, and that they may send knights and burgesses to the parliament, the house gave this answer, that they were sensible of the country's sufferings, and had taken course to remove the armies; and concerning their electing knights and burgesses for the parliament, it was referred to a committee.

Colonel Hoskins voted to be governor of Lynne.

Both houses agreed to an ordinance for maintaining of the water-guards. And the lords sent an ordinance to the commons, that none be permitted to preach, or use public exercise, but such as had taken degrees in the universities; and another ordinance against such as shall disturb the ministers in their public exercises.

22. The house agreed that sir Richard Lloyd, governor of

Holt-castle, should have liberty to go beyond sea, and carry 300*l.* with him, and his wife to enjoy his land, being 300*l.* per annum. And they voted that Holt, Flint, Harding, Rotheland, and Ruthen castles should be slighted.

Sir William Lister's lady ordered to have 610*l.* of her husband's arrears; and 2000*l.* to colonel Carter; and 500*l.* to major-general Skippon for his extraordinary charges in convoying the 200,000*l.*

The lords sent their votes to the commons,

That the king should come to Newmarket upon the Scots army marching away.

Upon debate of the city petition the house voted, first to insist upon the breach of privilege in the way of this petition, and then to consider of the particulars of the petition, and for that purpose referred it to a committee.

Duke of York. The earl of Northumberland acquainted the lords, that some persons had a plot to steal away the duke of York, and to carry him beyond sea, and that by advice from his majesty: two that were in the plot were apprehended, and the rest escaped.

Mr. Hudson, the king's guide to the Scots, was taken again by major-general Poyntz, and his examination sent up to the parliament.

Some proposals from the lord L'Isle, lieutenant of Ireland, for supplies and moneys to carry on the war there, and that he would go over thither in person.

Proposals of the Irish. 23. Letters from Ireland informed that proposals were received by the marquis of Ormond from the rebels,

That the Roman catholic religion may be free and public as in Paris;

That the garrisons may be in their hands;

All counsellors, officers, and soldiers to take an oath to fight against the parliamenteers, and never to make peace with them.

The Scots hostages given in.

A letter directed to general Leven, that no free quarter be taken by his soldiers in their march for Scotland.

Order for Mr. Allen to provide a jewel, as a gift of the house, for general Leven.

Order for 500*l.* for Mrs. Chichester, and 4*l.* per mensem for the lady Denny, widows.

The duke of York confessed that the king his father sent to him to get away. Duke of York.

Great use was made of a press to print the lord chancellor of Scotland's speeches, the London petition, and other things, at Newcastle.

24. The commons dissented from the vote of the lords for the king's coming to Newmarket, and voted his coming to Holmesby-house in Northamptonshire, and to be there with such attendants as both houses shall think fit.

Now there began to be an understanding between some here and the Scots for their delivery up of the king's person to the parliament.

Both houses agreed to appoint a committee to ask some questions of the duke of York touching the king's letter to him for his escape, and to refer to the committee of both kingdoms a letter newly come from the king to both houses, much to the same effect with his former, desiring to come to London, or to some of his houses thereabouts, with honour and safety, and that the letter be communicated to the Scots commissioners. A letter from the king.

The Scots commissioners had sent to the lords to acquaint them with their speedy going away from hence to Scotland, and desired to know what further service the houses had to command them to the parliament of Scotland.

Both houses agreed that the committee of both kingdoms should return the thanks of the houses to the Scots commissioners for all their pains and good service, taking notice of this their last respect to the two houses.

Orders for 500*l.* for colonel Blake for disbanding some forces, and for sir Benjamin Ayliffe and sir William Wingfield, prisoners, to be bailed.

25. Though Christmas-day, the houses sat, ordered a collection for the poor. 232

The commons concurred with that part of the vote of the lords, that the king coming to Holmesby shall be with respect to the safety and preservation of his majesty's person, and in preservation and defence of the true religion. The question was put, whether words *according to the covenant* should be added, and it passed in the affirmative.

26. The commons agreed with the lords, that after his majesty was come to Holmesby-house, and attended by such

as both houses shall appoint, and that the Scots are gone out of this kingdom, the houses will do nothing but what shall be for the preservation of the peace, and union of both kingdoms.

This with the rest ordered to be sent to the lords.

Many citizens attended impatiently for an answer to their petition.

28. Both houses conferred the searcher's place of Sandwich and Dover upon colonel Mainwaring of London, and other competitors were referred to a committee to find out something for them.

An ordinance passed at sir Henry Vane's request to enable him to make a surrender of his place of treasurer of the navy.

Votes. Both houses agreed that there should be no further treaty with the king, and the commons voted,

That the king coming to Holmesby-house, and the Scots army gone out of the kingdom, the two houses will then join with the Scots in using all possible means to persuade the king to pass the propositions; and if he refuse, that then the houses will do nothing that may break the union and affection of the two kingdoms, but to preserve the same.

Upon this and the other votes a declaration was passed and sent up to the lords, and with them the ordinances for sale of bishops' lands, and for taking away the court of wards, to be sent to the king as additional propositions.

A conference of both houses about compositions of delinquents, and that lawyers and others who had taken oaths to attend at the terms might not be made sheriffs, who take an oath to attend the county.

Affronts offered to the parliament's commissioners and to their officers and soldiers in Ireland.

Great wants of the protestant forces there, so that a soldier had but sixpence and a sixpenny loaf of bread in a week to live upon.

29. The lords agreed to the ordinances and declaration yesterday sent up to them, but the houses did not agree to a clause added by the lords, for giving 100,000*l.* per annum to the king in lieu of wardships.

Mr. Mynnes, after proofs heard, and examinations, was voted a delinquent, and 4000*l.* due to him, in the hands of sir Humphrey Forster, was ordered, 2000*l.* thereof to sir John

Merrick, in part of his arrears, and the other 2000*l.* to me, for my arrears and charges.

Order that Mr. Mynnes do bring in his deeds, evidences, &c. for sir Humphrey Forster, and that he be indemnified for his paying the money according to the order of the parliament.

Orders for the payment of Hull garrison; for sir John Hippesley's disbursements for the state to be audited and paid.

To some queries propounded by the parliament of Scotland to the assembly of their kirk, the assembly gave this answer:

Assembly of the kirk' their answer to queries.

The query supposeth the king's coming into this kingdom, which we humbly conceive should not be put into the question; and therefore desire your lordship to go about all means for the present preventing of it as a matter of most dangerous consequence to religion, this kirk and kingdom, and to the king himself and his posterity.

But if the question be stated, If the king be excluded from the government in England for not granting the propositions concerning religion and the covenant, and for not giving a satisfactory answer to the remnant propositions; whether in that case it be lawful for this kingdom to assist him for the recovery of the government; or if it be not lawful? (being put to it,) we cannot but answer, in regard of the engagement of this kingdom by covenant and treaty, negative.

The parliament of Scotland passed these votes:

Votes of the parliament in Scotland.

1. That Scotland shall be governed as it hath been for the five last years, all means being used that the king may take the covenant and pass the propositions.

2. That the taking the Scots covenant and passing some of the propositions doth not give warrant to assist him against England.

3. That upon bare taking the covenant we may not receive him.

4. That the clause in the covenant, for defence of the king's person, is to be understood in defence and safety of the kingdom.

5. That the king shall not execute any power in Scotland till he hath granted the propositions concerning religion and the covenant, and given a satisfactory answer to both kingdoms in the rest of the propositions presented to him by both kingdoms at Newcastle.

6. That if his majesty refuse to pass the propositions, he shall be disposed of according to the covenant and treaties.

7. That the union be firmly kept between the kingdoms, according to the covenant and treaties.

30. The fast-day divers new members took the covenant, and voted that all such members who have not taken it shall take it the next fast-day, or be suspended the house.

31. Instructions for the commissioners who are to take possession of the garrisons upon the departure of the Scots, and for the hostages agreed upon; and a letter to general Leven, that the Scots may lay no assessments, nor take any free quarter upon their march, after the first 100,000*l.* shall be paid.

Order for the ammunition in Berwick and Carlisle to be brought to Newcastle.

Debate about the city petition, and crowds of citizens attending to know what was done in it.

City petition. In the afternoon they sat again, and till midnight, about the city petition; and some perhaps were a little awed by the multitudes of citizens attending at the door of the house.

They agreed upon a declaration against all such persons as take upon them to preach or expound the Scriptures, except they be ordained. And this gave much offence to those of the independent judgment.

233 *January* 1646.

1. Orders for payment of moneys formerly ordered to the earl of Stamford, and for 800*l.* to the commissioners that are to go into the north for their accommodations and their instructions.

Debate upon the ordinance against blasphemies and heresies.

Vote for sir Peter Killegrew to be sent with the preamble, and vote in answer to his majesty's last letters.

2. A letter from general Leven complying with the parliament's desires in their letters to him, and order given to have the jewel ready for him.

Letters informed an endeavour of the king to escape from Newcastle without the Scots privity, and a more strict guard upon him.

Orders for stay of sir Peter Killegrew's journey, and for 1000*l.* for Mr. Pury out of the earl of Worcester's estate, and 1000*l.* for Mr. Hodges in repair of their losses, and for 1000*l.* for sir Robert Pye, junior, out of sir Edmond Pye's composition.

Order for allowances to the officers of the court of wards.

4. Upon a letter from sir Thomas Fairfax,

Orders for 2000*l.* for sir Hardress Waller of his arrears, and for 2000*l.* for colonel Sidney.

Order to continue the two speakers commissioners of the great seal for ten days longer.

An ordinance sent up to the lords for the government of Chester.

Instructions and powers agreed for the lieutenant of Ireland, and a sword to be borne before him, and counsellors of state named for Ireland, and they to have 500*l.* per annum apiece till their estates shall be recovered.

An ordinance appointed to settle the same church-government in Ireland as in England.

Vote to name commissioners of both houses to receive the king from the Scots, and to bring him to Holmby, and the committee of both kingdoms to draw instructions for the commissioners, and letters to be written to general Leven and to the Scots commissioners at Newcastle, to acquaint them with these votes, and that the commissioners should speedily come for the king.

Letters sent from major-general Langherne and the committee of Haverford-west informed, that Mr. Hudson, the king's guide, having escaped out of prison, was by the king employed upon another design, to carry letters to be delivered to major-general Langherne, to invite him to betray his trust, and to revolt to the king.

That the major-general sent up the letters and other papers to the parliament, and Hudson, and Price one of his agents, and the examining them was referred to a committee.

The commons agreed that Mr. Godolphin, governor of Scilly, upon his surrender of that island and all forts, &c., and taking the covenant and negative oath, should enjoy his estate, and be free from arrests for any acts of war.

6. Both houses agreed the instructions for the commissioners that go to the Scots army, and to the declaration in answer to the king's last letter, and about disposing of his person, and to the letters to general Leven and to the Scots commissioners at Newcastle touching this business, and sir Peter Killegrew was to post with them to Newcastle.

The earl of Pembroke, the earl of Denbigh, the lord Montague, named by the lords; and by the commons, sir William

Commissioners to receive the king's person.

Armine, sir John Holland, sir Walter Earle, sir John Cooke, Mr. John Crew, and major-general Browne, commissioners to receive the king's person, and with such guards as they shall think fit to bring him to Holmby-house.

Ordinance for sir Anthony Ashley Cooper, sheriff of Wilts, to live out of the county.

Order for Winchester-castle to be disgarrisoned, and delivered to sir William Waller the owner.

A committee named to consider of several debts owing by the earl of Cork, who is gone beyond sea without perfecting his composition.

Letters informed that the money for the Scots was safe come to York.

The parliament forces, after great storms at sea, landed in Ireland, and had coarse entertainment there.

7. Mr. Sandys reported what places and profits members of the house had, that an account thereof may be given.

Order for 2,500*l.* for the commissioners that are to receive the king's person, and their instructions debated.

Sir William Ermyn, upon his own desire, excused, and sir James Harrington appointed commissioner in his stead, and Mr. Marshall and Mr. Caryl appointed to go with them.

Articles presented to the house against one Harris referred to the justices of peace.

Endeavours were in countries to get hands to petitions to second that of London.

8. Debate upon the ordinance against such as preach or expound the Scriptures not being ordained.

Upon petition of the countess of Peterburgh,

Order that she should have her husband's arrears out of such delinquents' estates as she should discover.

9. Orders for 10,000*l.* for the lord Say, for the loss of his place in the court of wards, sir Rowland Wandesford to have 5000*l.*, sir Benjamin Rudyeard 6000*l.*, and Mr. Bacon to have 3000*l.*

Reference to the committee of the navy about adding four frigates to the next summer's fleet.

The commons agreed with the lords to have Goring-house for the ambassador of France.

Orders for petitions to be read in rank as they were presented, and for 10,000*l.* for the reduced officers, and 1000*l.*

to colonel Waite for arrears, and to summon colonel King to attend the committee.

The commissioners to name attendants for the king.

11. Major-general Skippon sent up intercepted letters from Hudson the king's guide to his majesty, bewailing his unhappiness in failing of success with major-general Langherne, and being again apprehended.

Order for a letter to the governor of Hull to send up Dr. Hudson in safe custody by land to the parliament, and referred the letters to a committee.

Upon a letter from sir Thomas Fairfax, order for 4000*l.* for the standing officers of the county of York.

Approbation of the convoy sent by sir Thomas Fairfax with the money to the Scots.

Order for 4,500*l.* for sir Samuel Luke, for his arrears out 234
of Goldsmiths'-hall.

The town of Cirencester elected sir Thomas Fairfax and colonel Rich for their burgesses.

Debate upon the instructions of the lord L'Isle, lieutenant of Ireland.

The Scots refused to surrender Belfast to the parliament's forces.

Ireland in great want of supplies.

Commissioners came from the parliament of Scotland to Newcastle, to persuade the king to sign the propositions.

12. Order for sir Oliver Fleming, master of the ceremonies, to go to the French ambassador, to know whether he hath any thing from his master the king of France to the parliament, that he may be despatched.

Some of the king's ancient servants, and some others, were approved of by the house, to go down with the commissioners to attend his majesty, and power given to the commissioners to name inferior servants.

Orders for money for the commissioners' charges for repairing Holmby-house, for coaches, horses, &c. for the king.

For 2000*l.* for major-general Browne, in part of his arrears, and referred to a committee, that he be considered as other major-generals.

Debate about an information of a protection from the king to a member of the house.

A colonel charged the earls of Northumberland and of

Pembroke to have sent money to the king; but upon examination he said he heard it from some of their servants: they denied it: and the colonel being but a single witness, and speaking but by hearsay, the lords acquitted the earls, and left them to their remedy against the colonel for the scandal.

Mr. Murrey sent for in again upon information that he was plotting the king's escape from Newcastle in a Dutch ship, lying there for that purpose.

I applied myself close to my practice, both in term and vacation, and found good encouragement in it; yet I neglected not the service of the parliament.

Great seal. 13. A report of the committee approved for making sir John Bramston, sir Thomas Beddingfield, and Mr. Chute commissioners of the great seal, and an ordinance appointed to be brought in for that purpose.

An ordinance committed for regulating the university of Oxford, and agreed that no members of either house shall be visitors, and that the right of the earl of Denbigh as chancellor of the university be preserved, and that the city of Oxford do choose a recorder.

An ordinance to put doctor Temple into a parsonage.

14. Compositions of delinquents passed.

Ordinance sent up to the lords for the new commissioners of the great seal.

15. Debate in a grand committee touching the dissenters from the presbyterian government.

Articles against a preaching trooper. A minister presented articles to the council of war against a trooper, for preaching and expounding the Scripture, and uttering erroneous opinions.

The council adjudged that none of the articles were against the law or articles of war, but that only the trooper called the parson *a minister of Antichrist;* for which reproach they ordered the trooper to make an acknowledgment; which he did, and was one night imprisoned.

Great noise was about this in London, and about another trooper's preaching at Buckingham, upon which a tumult was raised by the cavaliers, and suppressed.

16. Order for levying the arrears for the army.

Debate about enlarging the instructions for the commissioners who were to receive the king's person, they being gone out of town.

My servant, Daniel Earle, by the desire of sir John Holland, waited upon the commissioners as a secretary.

An ordinance sent from the lords to the commons for constituting the commissioners of the seal: the commons desired the lords to pass that which they formerly sent up to them.

Ordinance for the accounts of the soldiery, and an order for 1500*l.* for sir William Fairfax's lady, of her husband's arrears.

18. Votes, that Mr. Hollis, Mr. Selden, sir John Elliot's children, Mr. Strode's kindred, Mr. Valentine, sir Peter Hammond's children, sir Miles Hobert, Mr. Walter Long, and Mr. John Hamden's children, shall have 5000*l.* to each, for the sufferings of them or their parents, 3 Car. for opposing the illegalities of that time, and 1000*l.* to Mr. Varsall upon the same account; and all sentences formerly against them to be taken off; and a committee to consider how these allowances may be raised, and to consider of the petition of alderman Chambers. Votes for sufferers, 3 Car.

Orders for 2000*l.* for the soldiers in Portsmouth and Hurst-castle; and for viewing the fortifications there, and for six months pay for the army.

The general made strict orders for his officers and soldiers to pay their quarters, and that the country may not be burdened, and misdemeanours prevented, and this by advice of his council of war.

Captain Batten kept in the Dutch ship at Newcastle.

Sir Thomas Tiddesly and colonel Price, being apprehended about endeavouring the king's escape, got away.

Letters informed that the Scots commissioners at Newcastle could not prevail with the king to take the covenant and sign the propositions, and that a Scotch lord told him, if he did not, they must give him up to the parliament of England, and it would fall heavy upon him and his posterity: that his majesty is not pleased to come to Holmby-house, not liking the place.

Letters informed that the parliament of Scotland had voted, that if his majesty should have thoughts of coming thither at this time, he not having subscribed to the covenant, nor satisfied the lawful desires of his subjects in both nations, they have just cause to fear the consequences of it may be very

dangerous both to his majesty and to these kingdoms, which they desire may be timely prevented; and they express their arguments, that if they should receive his majesty, it would be contrary to their engagements with England and the treaties.

19. Order for 10,000*l.* for the earl of Northumberland out of compositions, in regard of his losses in the north.

Orders about the sale of bishops' lands.

Lieutenant-colonel Harrison's accounts referred to a committee, and 300*l.* ordered to Mrs. Serle, a widow, out of doctor Duck's estate.

235 Order for money, formerly given to lieutenant-general Cromwell, to be out of the estates of papists in arms.

Power to imprison. Power given to the committee of complaints to imprison.

20. Orders for bringing in and maintaining the credit of the excise.

Order for the due observation of the articles of surrender of Portland.

Sir Peter Killegrew returned with letters from the king to both houses:

Letters from the king. That he had received their votes for his coming to Holmby, and understood that commissioners were coming for him, and that he shall give them his resolution when they come. The like letters were to the Scots commissioners.

From Leven. Another letter was from general Leven, that, according to the parliament's desires, he would take care of his majesty that he depart not away, and will be ready to do all good offices.

A third letter to the parliament was from the commissioners of estates, that they had received the votes, and sent them to the parliament of Scotland.

Orders to communicate these letters to the Scots commissioners, and for 100*l.* for sir Peter Killegrew for his journey.

Letters from the parliament's agent in Denmark, and an offer from thence of a treaty for correspondence betwixt the kingdoms, referred to a committee.

I was commonly named of every committee concerning foreign affairs.

Orders for 100*l.* for Mr. Jenkins, formerly employed to Denmark; and for 100*l.* to sir Henry Vane, senior, disbursed by him for the state; and for 200*l.* to Mr. Smith, for provi-

sions for Ireland, and for the arrears of the porter of Portland-castle.

21. The lords differing about the new commissioners for the great seal, an ordinance passed to continue the two speakers commissioners of the seal till ten days after the next term; and they were ordered to consider of persons to ride the next circuit. Great seal.

A committee named to draw instructions for the judges that shall ride the next circuits, and to settle differences between well affected tenants and disaffected landlords; and to consider of judges for Wales.

I attended this committee, and procured them to name my uncle, Mr. Edward Bulstrode, a reader of the Inner Temple, to be a judge in Wales, for which he was a fit and learned person.

Dr. Hudson, the king's guide, was long examined in the house, and committed close prisoner to the Tower for treason.

Orders for 60*l.* to the officers and troopers that brought up Dr. Hudson, and for the discharge of colonel Morrice, and for 60*l.* to the sergeant's deputies.

22. The grand committee sat upon matter of religion, and the lords' ordinance, prohibiting any to preach but those who are ordained.

The king propounded to the Scots commissioners two queries, In what condition he stood, whether a free man or under restraint: if not a free man, then his answer to their desires would not be valid. The king's queries.

They pressed him to assent to the propositions, if not, they must acquaint him with the resolutions of the parliament of England.

The king replied, he knew them; and demanded, if he went to Scotland, whether he should be there with honour, freedom, and safety; to which they gave no answer.

23. The grand committee sat about the payment of the soldiers.

25. The house received a declaration of Scotland sent to the Scots commissioners here, to be communicated to both houses of parliament, to this effect: Declaration of Scotland.

Reciting former transactions with the king, and his denial to sign the propositions; that the king hath often declared his desires to be near the parliament of England, who have communicated to them

that Holmby-house is the place they think fit for his majesty to come unto; there to remain with safety of his person, in the preservation and defence of the true religion, and liberties of the kingdoms, according to the covenant.

Therefore, and in regard his majesty hath not given a satisfactory answer to the propositions, and to keep a right understanding, and prevent new troubles, to satisfy the desire of his majesty, the parliament of England, to prevent misinformation, and to satisfy the estates of the parliament of Scotland, do declare their concurrence for his majesty's coming to Holmby-house, or some other of his houses in or about London, there to remain till he satisfy both kingdoms in the propositions of peace.

And that in the interim there be no harm done to his person, that there be no change of government, other than hath been the three years past, and that his posterity be no way prejudiced in their lawful succession; they are assured that the intentions of their brethren are the same, and they conclude that they will endeavour to keep all right between the kingdoms according to the covenant and treaties.

They desire,

1. That a committee of both kingdoms attend his majesty, and press him to grant the propositions; and if he refuse, to determine further what is necessary for continuing the union, and that no agreement be made with the king distinct.

2. That such Scots as have places about the king may exercise them, except persons excepted, and none be barred access or attendance who have warrant from either parliament.

3. That the one kingdom assist the other in case of trouble.

4. That England agree for some competency for the Scots forces in Ireland.

A committee touching the accounts of the kingdom.

Orders for 1800*l.* for sir Philip Stapleton for his arrears, and for 2500*l.* for colonel Thompson; and for captain Torneton, major of Londonderry, to be sent for in custody, to answer the committee of accounts.

Order for sir Thomas Fairfax to have his 5000*l.* per annum out of delinquents' estates excepted.

Orders for disbanding the troop of Wilts, and for 6000*l.* for the regiment of Northamptonshire, and for 12,500*l.* for the reduced officers.

A committee to confer with the judges about bringing excepted persons to a speedy trial.

An ordinance read for sale of delinquents' estates, who are excepted, but they to be first tried. 236

Order for 6000*l.* for the garrison of Portsmouth, out of such delinquents' estates as the gentlemen of Hampshire should name.

Upon the lord L'Isle's desire, major Harrison voted to go with him into Ireland.

A letter from the French ambassador to the lords, that he had letters of consequence from the king his master to the parliament.

26. Divers compositions passed, that of Mr. Goodale rejected, because he lately killed a man in cold blood.

In the afternoon the house sat about the Scots papers.

Letters from the north informed that the Scots had received their money, and given acquittances for it.

That the parliament of Scotland sent their resolution to the general and commissioners, to deliver the king to the commissioners of England to be conducted to Holmby.

Major-general Skippon published a proclamation at the head of every regiment of his convoy, that no officer or soldier under his command, either in word or deed, give any just occasion of offence to any officer or soldier of the Scots army, but demean themselves towards them civilly and inoffensively, as becometh brethren.

Letters from the north, that the Scots had shipped their own ordnance and carriages, that they sent but fourteen troopers to convoy their money.

27. The monthly fast.

After the sermons, the house met, and ordered a general fast-day throughout the kingdom, to beseech God for the rooting out of heresy and blasphemies.

At a conference both houses agreed to the Scots desires:

The Scots desires agreed to.

That when the Scots army is out of the kingdom, and the king come to Holmby, commissioners be sent from both kingdoms to press his majesty to pass the propositions and sign the covenant.

And if he refuse, then to consider how to settle the kingdoms according to the covenant and treaties; that nothing be concluded with the king but according to the treaties; that no person excepted be admitted to the king; that those chosen to attend him at Holmby be but for a time, nor any prejudice to be to those who have adhered

to the parliament; and that when any trouble ariseth in either kingdom, the other to assist according to the treaties.

28. Order for money for the reduced officers.

Mr. Bazill approved to be attorney-general in Ireland.

Orders for the assessments for Ireland to be continued, for discharging of sir Robert King and sir John Clotworthy from being commissioners for Ireland, upon their own desires, and for supplies for Dublin.

Order for Newport Pagnel to be slighted, and the ammunition there to be sent to Ireland.

Orders for all the officers and soldiers designed for Ireland speedily to repair to the sea-side; and for 6*l.* a week allowance for the lady Ranelagh, and for 500*l.* for colonel Temple for his arrears.

The lord-lieutenant of Ireland took his leave of the house.

29. Debate in the grand committee concerning persons preaching who were not ordained.

The commission agreed for the agent of the Turkey company to Constantinople, sent up to the lords, and they consented to it.

30. The grand committee sat concerning the pay for the army.

Letters informed that the parliament's commissioners were come to Newcastle, and that the king had appointed them a time for audience.

February 1646.

1. Divers new members took the covenant, and ordered that those who have not yet taken it shall by a day take it, or be suspended.

The preamble and ordinance passed both houses for a day of humiliation, that God would stop the growth of heresy and blasphemy.

The lords sent to have Mr. Barriel added to the privy councillors of Ireland, but it was not assented to by the commons.

Upon a petition of the inhabitants of Westminster, referred to a committee to consider of a maintenance of 200*l.* per annum for Mr. Marshall their minister.

Letters from the north informed that the Scots were upon their march:

That the commissioners attended his majesty about his going to Holmby:

That the Scots parliament carried it but by two votes for the king's not coming to Scotland:

That the king asked the Scots commissioners why he might not go into Scotland, when he came to their army for protection.

They answered him, because he refused to sign the covenant and propositions, therefore they were to deliver him to the commissioners of the parliament of England, who were come to attend him to Holmby-house.

The king desired the English commissioners to send to the parliament, that he might have two chaplains, who had not taken the covenant, to go with him to Holmby, which they excused, as that which would not be for his majesty's service: and much other discourse he had with them: and some reported he used the expressions, *that he was bought and sold.*

The Dutch ship went away from Newcastle harbour. Compliments passed between the English and Scots; and proclamation was made by general Leven that all his soldiers should pay off their quarters at their departure.

2. Debate about a declaration of the lords, that the compositions at Goldsmiths'-hall were not by ordinance, and the sequestrators of the counties not bound to obey them.

A committee appointed to draw reasons to satisfy the lords herein.

Many complaints and cavils were made against the officers and soldiers of the army, as such who held erroneous and schismatical opinions, contrary to the true doctrine; and that they took upon them to preach and expound Scripture, not being learned or ordained: and some of the king's party were not wanting to foment these things, and to raise an odium upon the army in the people's minds. Complaint against the soldiers.

And those who so lately were in their highest esteem and respect, as freers of their country from servitude and oppression, are now by the same people looked upon as sectaries and oppressors themselves.

Thus we may see the inconstancy of the giddy multitude, and the uncertainty of worldly affairs: when their turns are served, their minds change: their best friends, when they relieve them, are counted their enemies when they are re- 237

lieved. The best course is to provide for such a condition as will always afford comfort, and will never change; not to trust in men, but in God alone.

Referred to a committee to consider a petition of two committee men, who were sued at law for what they did as committee men.

The Scots marched out of Newcastle, and the English entered it and Tinmouth.

The king would not hear Mr. Marshall nor Mr. Caryl preach, because he had not submitted to the Directory of worship.

Proclamation by general Leven, that if any in Newcastle had any debt owing to him by the Scots, he should come to the general and receive it.

A party of Ormond's forces marched into the rebels' quarters fifty miles, and took from them three or four thousand cows; and in their march back, being careless, Oneal's men fell on them, rescued the cows, and spoiled three of Ormond's troops.

Captain Pen took four vessels from the rebels.

3. Conference about the lords' declaration concerning compositions, that lords were joined in that committee, that this difference between the two houses, and at this time, would be of evil consequence.

Letters informed that the mayor of Newcastle delivered the keys of the town to major-general Skippon, who took possession of it.

The parliament's commissioners received the king into their charge, lodged in the same house, and intended to watch by turns.

Carlisle and Berwick were upon slighting.

4. Instructions for the commissioners going to the parliament of Scotland, and a letter agreed to be sent from both houses here to the parliament in Ireland, desiring that Belfast in Ireland may be surrendered to their forces there.

An ordinance read for selling certain delinquents' estates for satisfaction of a debt due to Mr. Pennoyer and Mr. Hill, for provisions sent by them into Ireland.

A bill of exchange from the commissioners in the north complied with.

Order for the next summer's fleet.

Incivility of officers to a committee for their accounts.

Lords added to the committee at Goldsmiths'-hall.

5. Grand committee about the ordinance against such as preach, not being ordained.

6. Several sheriffs appointed, and judges for circuits agreed upon.

The plate of the chapel at Whitehall ordered to be sold.

Order for 3000*l.* to defray the charges of the king's journey to Holmby.

Letters to the commissioners attending him, that none be placed about the king but persons well affected, &c.

8. Debate by the lords about the city petition, and they voted that those who should refuse to take the covenant should bear no office, civil or military.

Lords' concurrence for sheriffs, and for judges to ride the circuits.

The king removed from Newcastle to Durham, and at his going out a proclamation was made that none who had served against the parliament should come near his majesty.

The commissioners were attended by nine hundred horse.

One being admitted to kiss the king's hand delivered to him a letter in characters.

The last 100,000*l.* paid to the Scots.

Care by major-general Skippon, that any Scots who were left behind sick in Newcastle should not be disturbed.

The king's letter in characters referred to Mr. Wakerly to open the meaning of it, and thanks ordered to their commissioners, and additional instructions and power ordered to be given to them.

Four shillings per chaldron upon Newcastle coals continued for maintenance of that garrison.

Order for a declaration touching the excise, and continuing of it, and referred to a committee, to prevent the insolences and exorbitances of the sub-commissioners.

The ordinance passed for establishing the committee of Goldsmiths'-hall, of members of both houses and others.

The lords recalled their former declaration against the committee of Goldsmiths'-hall.

9. Vote of the lords, that sir John Brampston shall sit in their house as an assistant.

Petition of some apprentices that they may have a playday once in a month.

Debate upon the ordinance for règulating Oxford.

Complaints to the general of suits against soldiers and countrymen for horses taken from the enemy in the war.

The king came to Rippon.

10. Debate of the Oxford ordinance.

Visitors named and sent to the lords.

Order of both houses for the library of the archbishop to be given to the university of Cambridge.

Orders about the next summer's fleet.

Ordinances touching the clerks' places of the privy signet, and the water-bailiff's place; and for 4000*l.* for colonel Barton out of delinquents' estates for his arrears.

An ordinance for 500*l.* to colonel Massey's soldiers towards their arrears.

The lords proceeded upon the city petition, and named a committee to consider of punishing heretics and schismatics.

11. Order for 2000*l.* for the executors of sir John Meldrum for his arrears.

Ordinance committed for safe custody of prisoners, and yet that they may be liable to suits.

Orders touching compositions.

12. The grand committee sat about religion, and the ordinance against preachers not being ordained.

13. Grand committee sat upon the same business.

A committee appointed to moderate the fees of the registers in chancery.

Receipts of the Scots for the 200,000*l.* ordered to be entered in the house-journal, and in the exchequer, and the lords desired to enter them in the journal of their house.

Order for indemnity of the treasurers.

Vote for an addition to a committee.

The king came to Nottingham.

15. Order for the members to give in notes under their hands of the several garrisons, and the charge of them in the respective counties.

Order to confirm the articles of Truro.

A committee to examine a complaint against the lord Mohun, that he had killed divers men in cold blood, and therefore should not be admitted to his composition.

238 Orders concerning new elections, and for privilege for

colonel Rigby's servants, and for 300*l.* to Mrs. Herle for her late husband's arrears; and for 2000*l.* to colonel Cely, governor of Lime, a member of the house, for his arrears.

An ordinance from the lords to prohibit the killing of beef, veal, and lamb for eight weeks: another, to take away all country committees. Both committed by the commons.

The lords concurred in the ordinances for removing the library from Lambeth to Cambridge, and in that for sir John Meldrum's executor.

A great tumult in Smithfield: the excise-house pulled down. The lord mayor published a proclamation, that whosoever could bring in the chief actors in it should have 5*l.*; and many were committed to prison about it.

Success of some of the parliament's forces in Ireland; care for men and provisions thither.

Sir Thomas Fairfax went and met the king, who stopped his horse; sir Thomas Fairfax alighted, and kissed the king's hand, and afterward mounted and discoursed with the king as they passed towards Nottingham.

The king said to one of the commissioners, that the general was a man of honour, and kept his word with him.

Divers of the king's officers were apprehended upon suspicion, and imprisoned by the commissioners.

The Scots passed Berwick into Scotland; most of them were to be disbanded.

General Leven executed one for murder who was one of his soldiers, and the country were well pleased with it.

16. The sheriffs of London came to the house, and informed them of the tumult in Smithfield about the excise-house, and the commitment of many for it.

The house gave them thanks, and ordered that the malefactors be proceeded against at the sessions.

The declaration of the grounds of laying and continuing the excise committed.

New members admitted.

The lords passed the confession of faith as the assembly gave it in. Confession of faith.

A petition to the lords from Suffolk, of the same effect with the London petition, with an addition that the armies may be disbanded. Petition.

The lords gave them thanks for their good affections; and

for the petition and the particulars of it, they would speedily take into consideration.

17. Debate of disbanding forces and dismantling garrisons: the several members gave an account of all their counties, and sat till eight at night, then resolved that the army should first be taken into debate.

Ordinance for 9000*l.* for the works of London sent to the lords.

18. Order that a body of five thousand horse and a thousand dragoons be continued for the service of the kingdom, and at the charge of the kingdom.

Letters from the commissioners with the king at Holmby desired that they might be discharged from that great charge.

Ordinances for compositions.

Ordinance for 6000*l.* for Nottingham horse.

The people flocked to see the king as he passed by.

19. The house sat from morning to nine at night, and voted that no more foot should be maintained than what was sufficient to man the garrisons.

20. Orders for members to go into the country.

Letters from the earl of Ormond to Mr. Salleway and others, with propositions for surrender of Dublin, and other forts in Ireland.

Lords' concurrence to divers ordinances.

A letter from the king. A letter from the king from Holmby to both houses desired, that in regard he was not satisfied with the presbyterian government, that Dr. Sheldon, and divers others of his chaplains, or any two of them, might be permitted to come to him, by whom he might receive satisfaction.

The house voted to send to the king to sign the propositions.

The declaration concerning the excise passed the house, and care taken for ease of the poor in the payment of excise.

Benson, a delinquent, apprehended by the city marshal and committed close prisoner.

22. Upon the report of all the transactions between the parliament's commissioners and the marquis of Ormond, the house approved what the commissionors had done, and gave them thanks.

Ormond. Orders for 10,000*l.* for the forces which shall go to possess Dublin, and 3000*l.* to the marquis of Ormond, and referred

to the committee of the Irish affairs to manage the whole business of the marquis of Ormond, and they to give an account of the money, forces, and supplies for Ireland.

A letter assented to, that the house agreed to Ormond's propositions, and to acquaint him that the sequestration of his estate should be taken off.

Letters to the lord Inchequin and others to assist in this business.

The earl of Pembroke had leave to come from Holmby to London.

Both houses voted Mr. Bradshaw to be chief justice of Chester, and to refer it to the commissoners of the seal to consider of fit persons to be judges in Wales.

The declaration passed concerning the excise, with instructions to the officers.

The lords made an order against the spoilers of the king's game.

23. Leave to divers members to go into the country, and for Mr. Crew to come from Holmby to London. And a vote passed that the commissioners who stay with the king shall have the same authority as when they were all together.

Votes for dismantling of garrisons.

The king desired to come to or near London.

Letters informed that the Scots were all gone out of England, and their whole army disbanded, except five thousand foot and fifteen troops of horse.

24. The monthly fast-day, some new members took the covenant.

25. The French ambassador desired audience, and a day was set for it.

The sequestrations of sir Henry Cooke and sir Robert Cooke discharged.

26. Petition of captain Sheffield referred.

Money given to some who had lost their eyes in Ireland.

Votes for dismantling several garrisons.

27. The French ambassador had his audience in usual state and ceremony in both houses. French ambassador.

The substance of his speech was, to desire a happy accom- 239
modation between the king and parliament; and presented himself as a mediator for composure of them, if in any thing

the houses thought fit to make use of him. But nothing was then done upon it.

An explanatory ordinance touching the sale of bishops' lands.

A letter and declaration of the parliament of Ireland, by way of address to the parliament of England, for relief and supplies, referred to the committee of Irish affairs, and orders for supplies; and the messenger ordered to return to the parliament of Ireland to acquaint them therewith.

March 1646.

Petition of apprentices.

1. A petition of many thousand young men and apprentices of London, ingeniously penned, and desiring that all occasions of breaches between the well affected party may be taken away; that those who have adventured their lives for the parliament may be countenanced, and the contrary party not favoured, and that a sufficient guard and strength may be kept up for the safety of the kingdom.

That they may enjoy the grants and privileges of the city, and that some times for recreation may be set apart for servants.

The house sent thanks to the petitioners for their good affections.

Upon a letter from major-general Skippon of his settlement of the garrison of Newcastle, a letter of thanks ordered to him.

Both houses continued the commissioners of the seal for twenty days longer.

A commission passed for Mr. Strickland to go over agent to the Low Countries.

Both houses gave an allowance to the earl of Chesterfield, with an intimation that he do not entertain malignant preachers in his house, nor use the Book of Common Prayer.

That part of not using the Common Prayer I spake against as contrary to that liberty of conscience we ourselves claimed formerly, and fit to be allowed.

Divers votes for dismantling garrisons.

2. Further progress about dismantling garrisons.

Letters from the commissioners at Holmby, with a list of those appointed to attend the king, and an estimate of charges.

Vote that the list be not allowed as to an establishment,

and the charges referred to the committee of the revenue, and the commissioners desired not to exceed in them.

Order to know of the commissioners of Scotland, whether they have power to join with the parliament in procuring his majesty's consent to the propositions and sale of bishops' lands.

The commissioners could not persuade the king to hear their chaplains.

3. Votes for slighting garrisons.

Instructions passed by the lords for the judges for hearing of criminal causes.

4. Order for 1300*l.* for the lord Willoughby of Parham, for his arrears, and that what his lordship shall propound further for the remainder the house will be ready to grant.

Addition of 50*l.* per mensem for the maimed soldiers.

The Scots commissioners here answered to the parliament's question, that they had not now power to join for procuring his majesty's consent to the propositions, but expected it speedily from their parliament.

5. After long debate, carried upon the question, that sir Thomas Fairfax shall be general of the forces to be continued; and some wondered it should admit a debate and question. Sir Thomas Fairfax.

6. Votes for forces and supplies for Ireland. Of foot seven regiments, three thousand horse, one thousand two hundred dragoons, out of the army; and the house will consider the charge of maintaining all the forces in Ireland, and how they may be under one pay and establishment. Supplies for Ireland.

The general, colonel Hammond, and others, expressed their willingness to further the business of Ireland, and colonel Hammond to go himself.

8. Votes concerning the forces to be kept in England, that no member of the house of commons shall have the command of any garrison under sir Thomas Fairfax in England. That there be no officer above a colonel. That they shall all take the covenant. That none who hath borne arms against the parliament shall be in command. That they shall all conform to the established government of the church. Nor any profane or scandalous person. The officers to be chosen by the parliament.

The lords ordered the sale of the mitres, copes, &c., brought

from Oxford; and that magistrates do put in execution the laws against rogues, &c., for relief of the poor.

A proclamation of major-general Skippon, for all papists to bring in their arms to Newcastle; and he desired the sheriffs of Northumberland and Durham, with the gentlemen of each county, to give a list of the places fittest for quartering of his soldiers; which they took very well from him.

9. Order for 1900*l.* to sir William Constable, in full of all his arrears.

Discharge of some prisoners.

Order for a committee to imprison preachers not ordained.

Approbation of colonel Hammond's going for Ireland, and the conditions.

A letter from the king.

The king sent another letter to the parliament to have two of his chaplains come to him, and told the commissioners, that he had not power to command them or any man, but would importune them to be instrumental in satisfying his reasonable desire.

The lord Lisle landed at Cork, and presently sent forth a party into the rebels' country, where lieutenant-colonel Crocar and the rest did good service.

10. The day of humiliation against blasphemies and heresies.

11. Lieutenant Freeman being indicted at the assizes for doing service for the parliament, the house ordered his relief.

Some members sent to the judges required them to discharge such persons and causes as concern matters done in relation to the war.

Upon a petition from Essex that the soldiers quartered there might be removed, the house left it to the general to quarter his army as he should think fit, and satisfied the petitioners.

12. An ordinance read for respiting trials and judgments in criminal causes relating to the war, till the pleasure of the houses be known.

240 Votes for colonel Fortescue, lieutenant-colonel Butler, colonel Rouse, captain St. Aubin, captain Keckwith, and captain Rouse, to be governors of forts.

Sir Thomas Fairfax at Cambridge.

Sir Thomas Fairfax came to Cambridge and was highly caressed, and a Latin oration made to him by a fellow of Trinity college, who had been a soldier in his regiment. In

the chapel they presented him with a rich Bible, in the hall with a sumptuous banquet. Then the town entertained him with a stately banquet; and at the schools he was made a master of arts.

13. Many governors of garrisons voted, and an ordinance sent up to the lords for continuing tunnage and poundage.

15. Debate about the business of Ireland.

A counter-petition to the London petition, discovered by one Boys at a conventicle, where it was produced and signed, was referred to the committee, where colonel Lee hath the chair, to find out the authors. Counter-petition.

Ordered, that none who have been put out of their livings for scandal or malignancy shall be admitted into any without consent of both houses.

Orders for new elections, and for bailing of sergeant Glanville.

Order of the lords against counterfeiting and clipping the king's coin.

16. Ordinance read for making Mr. Bradshaw chief justice of Chester.

Votes for captains of ships for the next summer's guard, for packet-boats for Ireland, and convoys for merchants' ships.

Votes, that the houses intend to carry on the war for Ireland with the forces of England, and the Scots forces there to be called away, paying what is due to them, and the Scots commissioners here and the parliament of Scotland to be acquainted herewith.

Order to treat with the general and his field-officers, how the forces designed out of that army may be disposed of for Ireland, and *60,000l.* voted for pay per mensem of the forces there and in England.

17. A petition from the lord mayor, aldermen, and common-council of London, professing their zeal to the parliament and to the covenant, and their apprehensions of the advance of the army, not yet disbanded, nearer to the city, and of a dangerous petition now on foot in the city, the copy whereof they annexed, pray that the army may be removed and disbanded, and the dangerous petition suppressed, and that they may yearly choose their militia. London petition.

The house answered them, that most of the particulars in their petition were under consideration; and that the house Answer.

would do what may be most for the ease, safety, and satisfaction of the city and kingdom; that the annexed petition was referred to a committee: and they had thanks for their sincere affections.

Divers governors of garrisons voted.

Fifty pounds a day allowed for the king's expenses.

Colonel Jones ordered by the committee for Ireland to take possession of Dublin with two thousand men.

18. The commons again voted sir John Brampston, sir Thomas Bedingfield, and Mr. Chute to be commissioners of the seal.

The lords voted Mr. Bradshaw and Mr. Warburton, Mr. Keble and Mr. Littleton, Mr. Powell and Mr. Clerke, Mr. Lewis and Mr. Elkenhead, to be judges in Wales.

The house passed several compositions of delinquents.

Counter petition.

19. Report of the counter-petition in London, and that the committee had imprisoned one Tewleday, an active man for that petition. Many excused him, as being as lawful for those of one judgment as of another to petition the parliament; but it was carried in the house to approve of his commitment, and Mr. Tewleday was sent for in safe custody.

Order of both houses to remove the king's children into the country.

Orders for new elections.

Disturbance in the army.

Some disturbance was in the army about going into Ireland, and for petitioning the parliament, and offence taken at the Essex petition, which reflected upon them; but all was appeased, and they promised not to petition before they had acquainted their general therewith.

20. The ordinance read for the assessment of 60,000*l.* per mensem for the forces.

Order for the house to adjourn every Friday till Tuesday after.

Divers citizens came to the house to avow the petition complained of by the city petition.

The commissioners of the great seal continued for twenty days longer.

22. The ordinance for 60,000*l.* per mensem referred to a grand committee, and the same proportions as formerly observed.

A petition from the reduced officers, answered with a reproof for their giving directions to the parliament. Petition.

Upon information of a great riot in Moorfields, and assaulting and plundering the house of Mr. Hobbart a justice, because he committed one for tippling on the Lord's-day in sermon time. Both houses passed an order for putting in due execution the laws for prevention of riots and tumults, and for better observation of the Lord's-day and fast-days.

The commons voted that Mr. Hobbart should have reparation.

Sir Thomas Fairfax and his field-officers met with the parliament's commissioners at Saffron-Walden, about sending eight thousand foot and four thousand horse into Ireland, the officers, as to a personal engagement to go thither, could then make no answer, but agreed, whether they go in person or not, yet they shall endeavour to advance the service among those under their respective commands. Irish service.

They desired satisfaction in four particulars:

Queries of the army.

1. Under whose command in chief they were to go.

2. What particular regiments, troops, or companies were to be continued in England.

3. What assurance for pay and subsistence for those that go to Ireland.

4. Satisfaction in point of arrears, and indemnity for past services.

A petition was presented to these officers from the army, to be by them presented to the general, and by him, if he thought fit, to the parliament upon these heads: Petition of the army.

1. For indemnity for actions as soldiers.

2. For satisfaction of arrears.

3. That neither horse or foot may be pressed to serve.

4. For relief of widows and maimed soldiers.

5. For pay till disbanded.

23. Mr. Bolton admitted one of the assembly. Mr. Cooke's sequestration taken off; the ordinance recommitted for regulating the university of Oxford; and the ministers sent down thither to preach, ordered to continue there, and 200*l.* allowed to them. 241

Order for colonel Jones, going for Dublin, to have power of martial law.

A pass for the Dutch ambassador to go to the king.

Debate upon the ordinance of the fleet, and for Lambeth library.

Votes touching sequestrations.

The parliament's commissioners agreed with the marquis of Ormond for the surrender of Dublin, and other forts in Ireland; and returned to England with hostages from the marquis.

The parliament of Scotland answered the English commissioners, that they could not render Belfast in Ireland whilst they had an army there; but upon paying of their arrears they will render Belfast and all they have in possession.

The jewel was presented to general Leven from the parliament of England, to whom the general wrote a letter of thanks.

The plague broke out in Edinburgh.

24. Votes for governors of garrisons.

Order of both houses to free the States' ambassador from custom and excise for things for his own use.

Orders that no private business be debated for ten days, and for repayment of money to the customers, and for thanks to their commissioners in Scotland.

The lords gave reasons to the commons against the armies quartering in the association or near London.

25. Votes for governors of garrisons.

Order for the lord Herbert to have possession of his own castle.

Prince Elector. A committee of both houses to receive some intelligence, which the prince elector desired to communicate to the parliament, of great concernment to the protestant religion.

Order, that the master and wardens of the stationers endeavour to find out the authors and printers of a book, called, *A Warning-Piece*, &c., to suppress it, and to seize the books.

Anno 1647.

26. Order to bail Mr. Tulida; and his business referred to a committee.

Votes for governors of garrisons.

Order for money for colonel Birch, who agreed to transport a thousand foot and two troops of horse into Ireland.

A long report of what is paid and what in arrears to the army.

Order about soldiers' widows and officers.

27. A report from the commissioners who treated with the general and his officers about part of the army going into Ireland; and the result of the officers; and about the petition intended from the army.

Order, to desire the general to use means to stop the progress of the petition; and thanks were given to the commissioners, and the house declared the good esteem they had of the army.

29. The lords desired the concurrence of the commons to an answer to the last message from the king, that they cannot consent to his desire in sending any of his chaplains named in his letter, because they are disaffected to the present government of the church, and have not taken the covenant; but for others of his chaplains, who have taken the covenant, if his majesty please, they will send them to him. Answer to the king's message.

They desired the commons' concurrence also to the ordinances for putting down country committees, for prohibiting the killing of some flesh meats for eight weeks, and for power to the northern committee.

Letters to colonel Harley and colonel Rossiter, members of the house, from some of their soldiers, informed that the petition of the army was carried on, and was subscribed by many, and those who refused it threatened to be cashiered; and that the subscriptions were to be sent to lieutenant-general Hammond, colonel Hammond, colonel Ireton, colonel Rich.

Order, that a letter be written from the speaker to the general to hinder the progress of this petition, and a declaration to require a desisting in it.

By this we may take notice how soon the officers and soldiers of an army, though never so successful and well disciplined, will, through want of action, fall into disorder and designs of trouble.

The parliament took great care to prevent this, and others were as busy to foment it.

Hammond, Ireton, Skippon, and others, were ordered to reside in the army, and some of their quarters to be removed.

Vote, that three regiments of horse, under major-general Poyntz, colonel Bethel, and colonel Copley, be continued; and all the foot of the northern association, except those in garrisons, to be disbanded; and all the foot in England and Wales, except those in garrisons, or such as are to be sent for Ireland, shall be disbanded.

At a second meeting of the officers of the army at Saffron-Walden, by the desire of sir William Waller, and the rest of the parliament's commissioners, this question was propounded to every officer distinctly;

Query to the officers.

Whether, upon the votes and resolutions of the house of commons now read, do you find cause to alter or recede from the third query, concerning assurance of pay and subsistence?

It was resolved in the negative by all, except colonel Harley, colonel Fortescue, and captain Young.

The same question being proposed concerning the fourth article, to have satisfaction in payment of arrears and indemnity;

Resolved in the negative by all, except captain Young.

The like question being proposed concerning the first query,

To know what particular regiments, troops, or companies of this army are to be continued in this kingdom, it passed likewise in the negative; all referring to the votes yesterday.

Several other officers that came in to the meeting agreed with the other.

Captain Young receded from what he concurred in yesterday, and resolved upon the main question,

That he will engage with as many of his soldiers as he can get; and several other officers did the like.

30. Divers compositions passed.

Letters from St. Maloes in France, advising that a pirate about Jersey had made prize of a vessel of the parliament's going for Ireland with cloth and apparel for six thousand soldiers.

Order for a letter to the parliament's agent in France to desire the king to seize the pirate and restore the ship.

242 The lords desired the concurrence of the commons to some desires of the Dutch ambassador, and for a pass for him to go to the king, and to an ordinance for settling the militia of London.

A committee named to treat with the city of London about the loan of 200,000*l.* upon the assessment of 60,000*l.* per mensem, that they might provide money for sending the forces into Ireland, and to pay off those that were to be disbanded, and to pay the army here.

Both houses passed a declaration against the petition in the army, as set on foot by some evil spirits, purposely to raise a distemper and mutiny in the army, pardon what is past, and forbid further proceeding by any of them in that petition. Declaration.

The parliament of Scotland named their commissioners to join with the commissioners of the parliament of England to persuade the king to pass the propositions for peace.

Harleigh-castle, the last in Wales, surrendered to colonel Mitton, whose soldiers put a guard upon colonel Jones for their pay.

31. Very long prayers and sermons this monthly fast-day, as usual.

April 1647.

1. Orders for the letter to the agent in France, and for ships to keep in pirates.

Voted, that the civil government in Ireland shall be distinct from the military, and be by two lords justices, as formerly:

That the military government shall be by a commander-in-chief, and he to be directed by commissioners on the place.

Sir William Waller was named to be commander-in-chief there, but it came not to the vote.

Letters from sir Thomas Fairfax informed, that he had communicated the letter and votes of the house to the officers of his army touching the petition on foot among them. Letters from sir Thomas Fairfax.

That they expressed a deep sense of their unhappiness in being misunderstood in their clear intentions, which were no other than by way of petition to represent to him those inconveniences which would necessarily befall most of the army after disbanding, desiring, that as much as he should think fit might submissively be made known to the house of commons, and assuring him that they would wholly acquiesce in whatsoever he should think fit to offer, and the house to grant.

That he had sent up Hammond, Lilburne, and some other officers, to give the house a full account of this business, and that he doubts not of the army's obedience.

Hammond, Pride, and the other officers sent up by the general, were called into the house, and Pride was charged to have read the petition at the head of a regiment, where were threats to those that should not subscribe it, which Pride denied, and they were all required to return to their charges, and to suppress the petition.

2. Debate of the ordinance for the militia of London.

Vote, that the commander-in-chief of the forces in Ireland should be styled *field-marshal*, and his pay be 6*l.* a day; and major-general Skippon to be field-marshal there, and that colonel Massey should be lieutenant-general of the horse under him.

A committee of both houses named to go into the city for borrowing 200,000*l.* for the service of England and Ireland.

3. The house sat not.

5. The houses sat not.

Complaint of the army.

Letters from some in the army informed, that they were discontented at a petition on foot in Essex against the army, that they might not be heard to petition, but petitions against them were not suppressed: that the horse talked of drawing to a rendezvous to compose something for their vindication: that the general was very industrious to keep them from disorders.

Letters from Scotland informed of good success by major-general Middleton against the Gordons, and that he had taken in the chief fort of the marquis of Huntley.

6. Orders for placing ministers in livings.

Letters from the judges in the Norfolk circuit of convicting one for blasphemy.

Order for the members of the house, who serve for Essex and for Suffolk and for Norfolk, to write into the country for suppressing the petition now on foot there against the army, and to let the inhabitants understand, that the parliament are upon a way so to dispose of the army as may be best advantageous to the whole kingdom.

This way of petitioning by multitude of hands to the parliament, which was formerly promoted by some of both houses, as a means to carry on their designs at that time,

began now to be made use of, and returned upon them, to their great trouble and danger; wherein we may observe the justice of God in punishing sometimes undue and indirect means by the very same means afterwards brought about against the users of them.

The difference about the new election at Newcastle referred to a committee.

The committee of both houses propounded to the common-council for the loan of 200,000*l.* this security; viz. the remainder of the bishops' lands, the excise, delinquents' estates, and the ordinance for 60,000*l.* a month, or any other security in the power of the parliament to give: the common-council appointed a committee to consider of their answer to these proposals.

Several forces despatched for Ireland. For Dublin, divers Irish rebels went out of that city, and others were turned out by the marquis of Ormond: Mr. Ashurst was careful in sending forces and supplies thither.

The rebels were raising a great army for Ulster.

7. Reference to the committee of Ireland to consider of the exchange of some Scots lords taken prisoners in Ireland.

Scots papers read about Belfast, and calling home all their forces upon payment of their arrears.

Letters from Ireland from the lord L'Isle.

Debate upon the ordinance for 60,000*l.* a month.

A clause offered to exempt the universities, hospitals, and schools from the payment of it, referred to a committee. Another clause, for abating all counties the free quarter in paying the assessment, was agreed unto.

Power to the committee of Ireland to secure the horses and arms of such as shall not be listed for Ireland, and to transport those that are designed thither.

The lords desire the commons' concurrence to take off the sequestration of the duke of Bucks.

8. Vote for colonel Jones to be governor of Dublin, and to approve several contracts for supplies for Ireland, and that colonel Sidney be considered for his good service.

An addition of both houses to the committee for Ireland. 243

Votes, to continue the regiments of horse of sir Thomas Fairfax, of lieutenant-general Cromwell, of colonel Rossiter, and colonel Whaley, and colonel Needham; and that major-

general Mitton shall have an hundred horse and an hundred dragoons for North Wales, and major-general Langherne the like for South Wales.

Col. Boswell. Holmby.

Letters from the commissioners at Holmby informed, that notwithstanding all their care to prevent delivering of papers to his majesty, yet one colonel Boswell, formerly of the king's party, in the disguise of a countryman's habit, as the king and the commissioners were passing over a narrow bridge, put a packet of letters into the king's hand: the commissioners apprehended him, and he confessed the letters came from France; and they sent up his examinations.

Order that colonel Boswell be sent up as a delinquent, and a letter of thanks to the commissioners for their care, and to desire the continuance of it.

9. Order for greater pay for the officers that go for Ireland than for those that continue here, and to have land in Ireland for that part that is respited upon the public faith; and a committee to draw up an establishment of pay for the forces there and in England.

Power to the committee to grant commissions to the officers for Ireland to draw the forces into regiments, and to take care to transport them.

Order to proceed a fortnight hence in the business of the church for fourteen days together, and no private business to intervene, and the assembly to examine such as are recommended to livings.

Reasons given by the lords at a conference for taking away of country committees.

The present commissioners of the great seal continued for twenty days longer.

10. The house sat not.

Boswell.

12. Letters from Holmby certified, that when Boswell delivered the letters to the king, no man perceived it but a miller that stood by, and he espying it cried out, "Nobles and gentlemen, there is a man gave his majesty letters." That Boswell offered gold to the miller to be silent, but he would not take it. Boswell got away, and the miller told some of them that attended the king, and they rode after Boswell and brought him back, who being examined, confessed he brought the letters from Paris from the queen.

That he was told the letters contained a desire of the prince to go into the war with the duke of Orleans this summer in point of honour. That the king being desired to make known the contents of the letters, answered, he was not to give an account to any man living. That Boswell was sending up to the parliament.

13. Votes touching pay for the forces to go into Ireland.

The committee of both houses sent down again to the army to make further propositions to the forces that are to go for Ireland.

An establishment agreed by the commons for the forces in both kingdoms.

The impost of five shillings per chaldron upon coals taken off; and vote that those who adventured money for the reducing of Newcastle be repaid by Goldsmiths'-hall.

Letters from the lord L'Isle, lord lieutenant of Ireland, L. L'Isle. expressing his readiness to serve the parliament, and willingness to return, if they think fit.

Letters, propositions, and a charge against a person in Ireland, referred to the committee for Ireland.

Unruliness of some of the soldiers going for Ireland referred to that committee.

A citizen came and rendered himself prisoner to the sergeant-at-arms, saying, he had a dangerous plot to discover against the parliament at Westminster, which he had imparted to Mr. Marshal and captain White.

The lords' concurrence desired to the votes concerning Ireland, and other votes.

The soldiers in North Wales mutinied for money, kept some of the committee-men prisoners in Wrexham church, and say they will have money before disbanding.

Letters from Ireland informed that the lord L'Isle was ready to take the field, and to do all the service they should enable him to do for the parliament.

The Scots prevailed against the Gordons.

Letters from Ireland informed, that about sixty men, women, and children, that were stripped by the rebels in Kerry, coming from thence into the protestant quarters, were taken and thrown into a deep rocky cave, and impossible to get out, some with broken arms, legs, and other limbs, and most grievously wounded, lay there and starved.

14. Letters to colonel Mitton to hasten the slighting of the garrisons in North Wales.

A committee appointed to draw instructions for commissioners of both houses, to press the king to grant the propositions.

Upon a petition of the reduced officers of the lord Fairfax, and a letter from sir Thomas Fairfax, order for a fifth part of their arrears to be paid to them.

15. Difference about the alterations in the ordinance for Oxford university, and an order about a fitting maintenance for the heads of houses there.

Upon a petition of some of the bishops, order for the committee to despatch the reference to them about maintenance for the bishops, and an order to deface all superstitious and scandalous monuments in both universities: and that the committees for Ireland do meet daily about that business.

An ordinance passed the commons, giving power to the lord-mayor, aldermen, and common-council of London, to choose thirty-one persons of the city to govern their militia for one year.

Mr. Devereux, newly returned a member of the house for Wales, was suspended, being a delinquent, and a charge against him.

16. Orders for money for Ireland, and for 4000*l.* for the lady Brooke and her children, whose husband, sir William Brooke, was slain in the parliament's service, and for 500*l.* for Mr. Sanderson, for his service and losses.

Allowance for the treasurers to Goldsmith's-hall, and license to sheriffs to reside out of their counties.

Army. 17. Letters from Saffron-Walden certified, that the general with the parliament's commissioners, and two hundred officers of the army, had conference about part of the army going for Ireland; that the earl of Warwick, one of the commissioners, spake with many exhortations to the officers to accept of the terms, and undertake for Ireland, setting forth the necessity, concernment, and honour of the service.

244 That the general did much encourage the officers to engage for Ireland; that colonel Lambert, in the name of the officers, desired to know what satisfaction the parliament had given to the four queries concerning arrears, indemnity, maintenance in Ireland, and conduct.

That sir John Clotworthy, one of the commissioners, said, they were all answered, except that of indemnity, whereof the parliament would take care; and had given instructions to the judges not to receive any indictment against soldiers for things done *in tempore et loco belli*, till the ordinance could be brought in.

Then it was moved concerning commanders, and answered, that major-general Skippon and major-general Massey were named by both houses to be general and lieutenant-general. Colonel Hammond said, that if they had assurance that major-general Skippon would go, he doubted not but a great part of the army would engage with him. It was cried out, *All, all, Fairfax and Cromwell, and we all go.*

Some few of the officers subscribed to go for Ireland; most of the rest signed presently a declaration to the same effect as formerly, and to authorize lieutenant-general Hammond, colonel Hammond, colonel Lambert, colonel Lilburne, colonel Hewson, and colonel Rich, to declare their sense, and to act for them.

19. The house sat not; letters came from Holmby, that the Dutch ambassador had audience of the king, and acquainted him with the death of the prince of Orange.

The earls of Lauderdale and Dumfermling came to London with commission to join with the parliament's commissioners in persuading the king to sign the covenant and propositions.

20. Apprentices of London came to the house for answer to their former petition for days of recreation: the commons referred it to a committee to draw up an ordinance to abolish all festival-days and holydays, and to appoint the second Tuesday in every month a day of recreation for all apprentices, scholars, and servants, with limits against tumults, disorders, and unlawful sports.

Referred to a committee to settle augmentations for ministers in Dorchester.

A bailiff committed for arresting a servant of Mr. Speaker.

Debate about the government of the church by presbyteries.

The city propounded for security for 200,000*l.*, last desired to be borrowed of them, the remainder of the bishops' lands, papists' and excepted persons' estates, and the excise in course; which was agreed unto.

Order for 20,000*l.* for Ireland.

The proceedings of the commissioners to get forces for Ireland proved not so effectual as was expected.

That generally they were unwilling to go, unless the general and their other commanders went with them. The general sent a letter to every regiment to persuade them to engage in this service.

21. Order for the third part of the arrears of the Scots officers to be abated for free quarter, horse and arms, &c.

The lord Rich referred to his composition.

Instructions sent up to the lords for the commissioners to go to the king, to persuade him to sign the propositions, &c. Another for collecting the arrears of the bill of 400,000*l.* upon the county of Bucks.

Order for pay to the messenger of both kingdoms, and 50*l.* apiece above it, and for pay for sir Thomas Fairfax's messenger.

An ordinance read for payment of money long since borrowed of Mr. Steward.

Several votes of either house communicated to each other, touching security for the 200,000*l.*, and touching scandalous persons.

The council of war in Ireland sentenced colonel Brocket worthy of death; and his regiment was conferred on colonel Monk. That the soldiers are in very great want there; and the lord L'Isle very careful to get supplies for them, and to do service.

22. Letters informed the great resort of people to the king to be cured of the king's evil. Whereupon the house ordered a declaration to be drawn to inform the people of the superstition of being touched by the king for the evil. And a letter of thanks ordered to the commissioners at Holmby.

Holmby.

Progress about the business of the church.

Order for a declaration for payment of tithes, and other duties to ministers, and for presentations to benefices.

A petition of a merchant of Hull for 10,900*l.* owing to him by the state, referred to a committee, and ordered that he have 4000*l.* in the mean time.

Report of the transactions with the army about going for Ireland.

The Argiere duty continued for one year.

Labour to get the soldiers engage for Ireland proved not effectual.

23. Votes pursuant to Truro articles.

The lords differed from the commons about the security for the 200,000*l.* to the city of London.

Officers that undertook for Ireland were, of horse seventeen, of dragoons seven, and of foot eighty-seven, but they could get only a few of their several troops and companies to go with them.

Much debate about disbanding of the army, or sending the army entirely into Ireland, and other motions; the result deferred to another time.

24. The house was adjourned.

26. The commissioners returned from the army presented to the house a list of such officers as have engaged themselves for the service of Ireland: some disorders began in the four regiments of Norfolk about this business, but major Huntington and other officers pacified them. Army.

27. Four officers of the army, informed against for obstructing the service of Ireland in the army, were sent for up by the sergeant-at-arms.

Upon a message from the lords touching the army, the commons resolved, that the army, horse and foot, should be disbanded with all convenient speed, and six weeks' pay to be given them at their disbanding.

Some officers of the army, in the name of themselves and the rest of the officers, presented to the house a vindication of the particulars in their late petition, setting forth the great sense they had of some misrepresentation lately made to the house of their actions and intentions, by which (as they conceived) it is endeavoured to alienate the houses of parliament from that their ever trusty and obedient army; Army their vindication.

That the accomplishing thereof would much rejoice theirs and the kingdom's enemies, they desire liberty to petition as soldiers now, and hereafter as members of the commonwealth, and that their integrity might be vindicated from such false suggestions and reports as had been formerly made and raised against them, and suggested to the house. 245

Here it was observed by some, that a victorious army out of employment is very inclinable to assume power over their

principals; and this occasioned the parliament's greater care for their employment for Ireland.

One ensign Nichols of the army sent up by the general to the parliament.

Major-general Skippon declared himself willing to accept the employment to which he was voted for Ireland.

The lord L'Isle returned from thence.

Militia. The common-council of London outed of the old commissioners for their militia alderman Pennington, Foucke, Warner, and Kenricke, and colonel Wilson, colonel Player, and colonel Tichburne, and agreed upon a new list of commissioners for their militia.

They received from the parliament of Scotland letters of thanks for their affection and respect to the covenant and union of both nations, and they ordered thanks to be returned to the Scots commissioners who presented them.

Some proceedings were upon Mr. Eastwick's and Mr. Brett's not taking the covenant.

28. The monthly fast-day.

29. Order for a writ for a new election.

Order for continuing the commissioners of the seal and the commissioners for hearing causes in chancery for ten days after the term.

Vote that sir John Brampston be one of the judges of the common-pleas, and that Mr. Walter Long be continued register of the chancery.

Assembly of divines. The assembly attended the house with their advice upon the Thirty-nine Articles, and the Confession of Faith, with the texts upon both of them. Order for six hundred copies of them to be printed for the use of the houses and assembly, and they had the thanks of the house given them.

Skippon. The thanks of the house given to field-marshal Skippon for his compliance, and not denying himself to serve the public in Ireland, and 1000*l.* bestowed upon him for his services.

Army. 30. Debate upon the petition and vindication of the army; an^c^ major-general Skippon in the house produced a letter presented to him the day before from some troopers, in the behalf of eight regiments of the army of horse, wherein they expressed some reasons why they could not engage in the service of Ireland under the present conduct, and complain-

ing of the many scandals and false suggestions that were of late raised against the army and their proceedings; whereupon they were taken as enemies, and saw designs upon them and many of the godly party in the kingdom, and that they could not engage for Ireland till they were satisfied in their expectations, and their just desires granted.

Three troopers, Sexby, Allen, and Sheppard, who brought this letter, were examined in the house touching the drawing and subscribing of it, and whether their officers were engaged in it or not. They affirmed that it was drawn up at a rendezvous of several of those regiments, and afterward at several meetings by agents or agitators for each regiment, and that few of their officers knew or took notice of it.

Those troopers being demanded whether they had not been cavaliers, it was attested by Skippon that they had constantly served the parliament, and some of them from the beginning of the war; and being asked concerning the meaning of some expressions in the petition, they answered, that the letter being a joint act of those regiments they could not give a punctual answer, being only agents, but if they might have the queries in writing, they would send or carry them to those regiments, and return their own and their answers.

These troopers were ordered to attend the house upon summons, and after several votes passed for prevention of disorder in the army, major-general Skippon, lieutenant-general Cromwell, colonel Ireton, and colonel Fleetwood, were ordered to go down to the army, and acquaint them that the house would provide a considerable sum of money for them before their disbanding, and their arrears shall be audited, and an ordinance to be brought in for indemnity for acts done *tempore et loco belli*.

Vote of both houses for sergeant Godbolt to be a judge of the common-pleas, and for Mr. Rich and Mr. Hakewell, masters of the chancery, to sit with the commissioners of the seal to hear causes.

Both houses ordered their commissioners in Scotland to return.

The accounts of sir John Clotworthy ordered to be certified.

May 1647.

1. The receipts of Goldsmiths'-hall ordered by both houses

for part of the security for the 200,000*l.* to be borrowed of the city, and that the common-council be acquainted with it.

Ordinance for securing money to some poor men who could not lend more. 6000*l.* and ammunition ordered for colonel Rainsborough for reducing Jersey.

Order for payment of money to Mr. Potter.

A proclamation by sir Thomas Fairfax, pursuant to an order of the house, that all officers of his army do within twenty-four hours repair to their charges.

The committee of both houses met with the common-council about security for the loan of 200,000*l.*

3. The provincial assembly of London met at St. Paul's, and Dr. Gouge was chosen their prolocutor, about settling the presbyterian government.

Both houses passed the ordinance for regulating the university of Oxford, and visitors were appointed; there was also a numerous committee for appeals.

Letters from Scotland informed that Kolkitoth, in the marquis of Argyle's country, put to the sword men, women, and children; that lieutenant-general Lesley was marched against him.

Forces shipped away for Ireland.

4. Divers citizens of London, attending for an answer to their petition, were called in, and the speaker told them that the house did not approve of their petition.

The commissioners for the militia of London approved, and their ordinance passed, and thanks ordered to the old militia commissioners.

246 Letters from the sheriff of Oxon certified that many troopers, Irish and others, who had been in arms against the parliament, robbed all passengers, and that he had raised the *posse comitatus*, and apprehended about one hundred of them.

The house approved what he had done, and appointed an ordinance for punishing such misdoers by death, and ordered a letter of thanks to the sheriff, who thanked me for advising him to do it. They all ordered the commissioners of the seal to issue out a commission of oyer and terminer, to try these and the like offenders, and all that take free quarter without warrant.

The lords recommended a proposal of captain Poe to the house of commons.

5. Vote for half the compositions of Goldsmiths'-hall to be added to the security for the 200,000*l.* to the city.

Order for a collection for poor people fled out of Ireland.

A fleet of Swedes refusing to lower their topsail to captain Owen, he with some other of the parliament's ships fought them. Some hurt was done on both sides, but some of captain Owen's ships forsake him, yet afterwards the vice-admiral of the parliament's fleet, captain Batten, came in, relieved captain Owen, and brought in the Swedes' fleet to Portsmouth.

6. Letters from the committee of Kent informed, that sir John Sidley had advised an indictment against colonel Kenricke, for his troopers taking of three horses in the first insurrection in Kent, in the time of actual war.

Order to put sir John Sidley out of all public employment.

Mr. Tulidah discharged of his restraint.

Orders about the 200,000*l.*, and for the 10,000*l.* for poor indigent persons.

The business of the late fight with the Swedes referred to the committee of the admiralty.

7. The lord L'Isle and sir John Temple reported the state of affairs in Ireland, and they and colonel Sidney and major Harrison had the thanks of the house for their good service in Ireland.

The ordinance of indemnity committed.

The order for trying soldiers by commission of oyer and terminer was revoked.

Private petitions read.

8. Letters from the army informed that Skippon, Cromwell, and the rest, sent down to the army, communicated to them the votes of the house concerning their arrears and indemnity, and that they were enjoined to employ their endeavours to quiet all distempers in the army.

Some of the officers desired to know what was meant by distempers in the army, if it were meant of grievances, (which the soldiers had just cause to complain of,) they had then something to offer, but were unwilling to declare the sense of the respective troops, regiments, and companies, without first acquainting them therewith. Time was given them to

Distempers in the army.

communicate the votes of the house, and to represent to the field-marshal Skippon, and the rest sent down to them, an account of their proceedings in this business.

Much discontent was in the army upon an expression in the declaration, *that they were declared enemies who persisted in the petition,* which was to their general, and merely for things relating to them as soldiers, and that it had been publicly said that a petition was sent from the army to the king to come to them, and they would set the crown on his head, for which scandal they expected reparation.

And they were troubled that it was said, that in the army there were four thousand cavaliers; whereas among all the officers they knew but one who had served the king, and he was put in by both houses; and the common soldiers who had served the king, and afterwards listed themselves for the parliament, had since done faithful service for them.

Field-marshal Skippon desired the officers to know of their soldiers who would engage with them in the service of Ireland.

10. The house sat not, but committees.

Forces shipped for Ireland. The rebels fortified apace there.

The lady Cave apprehended for endeavouring to present letters from the queen to the king.

11. The ordinance for settling 5000*l.* per annum on sir Thomas Fairfax committed.

A committee to draw reasons to satisfy the lords for passing the ordinance for the Scots forces to depart out of Ireland.

A printed paper called *Judge Jenkins's Vindication,* and another, called *Dudley Digges's, of the illegality of subjects taking arms against their sovereign,* was referred to the committee of complaints, and the printers and publishers thereof to be tried at the king's bench.

Thus we see that there is nothing constant in this world's affairs.

The parliament having conquest and success after their own desires, yet are now miserably encumbered with the mutinousness of their army on one side, and with the petulancy of pamphlets, and with discontented petitions, on the other side.

Order for 5000*l.* for Mr. Selden and for Mr. Valentine, for their sufferings, 3 Car.

Orders for a writ for a new election, and for sir John Holland, one of the commissioners at Holmby, to have leave to go into Hampshire.

Mr. Boswell committed to Newgate: and wood for the use of the navy; and that colonel Mainwaring grant no more passes to any to go beyond sea.

12. The earl of Denbigh had leave from the lords to be absent for ten days from Holmby, and the earl of Dumfermling to have access to the king.

Both houses passed the ordinance for securing the 200,000*l.* to the city.

The ordinance passed for 6000*l.* for Jersey: and the lords desired to pass the commission to colonel Rainsborough for that service, and a letter to Portsmouth and Peterborough, that his forces were to be removed from thence.

Complaint against major-general Mitton's forces referred to a committee, and a letter to colonel Mitton to prevent those disorders.

Information that captain George Carteret, lieutenant-governor of Jersey, was very cruel against the parliament party.

13. The petition of the earl of Mulgrave, sent from the lords, referred to a committee to state his losses, and report matter of fact.

The petition of the earl of Northampton sent down by them was to compound for his delinquency for two years' value.

Mr. Cartwright petitioned for 10,000*l.* out of the earl's 247
estate for losses he had sustained by the earl. It was referred to Goldsmiths'-hall for him to compound at the usual rates.

They agreed that the earl of Dumfermling might attend the king, but not as his servant.

Order of both houses to discharge the Swedish ships brought in by captain Batten.

14. Order for two months' pay for those of the army who disbanded, and six weeks more for those that went for Ireland.

Both houses passed the ordinance for indemnity of the soldiers and of committee-men.

The history of the military proceedings of the earl of Essex carried in the negative not to be printed.

The king told the commissioners at Holmby, that he had long expected the propositions to be sent to him; that he had those by him which were presented at Newcastle, and had himself framed an answer to them; and if they would not afford him a secretary to transcribe it, he would scribble it out himself.

15. Letters from Ireland of the delivery of Caterlogh upon quarter to the rebels, and their preparations to besiege other garrisons.

Letters from the army informed that the soldiers had chosen committees out of every troop and company to confer about the matters communicated to them from the parliament. That the committees of horse and foot, two out of every troop and company, met and returned, that there was no distemper in the army, but many grievances whereof they complained, and desired the general officers to draw up into a form the particulars, as the sense of the officers and soldiers of the army, which was done, and delivered to them by field-marshal Skippon, and the rest sent down to them to be presented to the parliament.

17. Letters from Ireland informed of the taking Dungarnon-castle and other garrisons from the rebels by the lord Inchequin's forces, and that twenty English taken there, who had revolted from the parliament, were hanged.

That the lord Digby, riding forth without a pass, hardly escaped from some of the new English forces who were upon the guards, and cried, *Stop the traitor Digby.*

That the bishop of Downe preached, that any power ought to be obeyed, and explained himself, that the war in England was a wicked rebellion, and he intended no other obedience than as to thieves and rebels.

A letter from the king.

18. A letter read from the king to both houses, wherein he gives answers to the propositions: to some he consents in the whole; to others in part; others he denies, and gives his reasons.

He consents that the presbyterian government be settled for three years, and to ratify the assembly of divines, propounding a certain number of his own ministers to be added to them, to consider what government to settle after the three

years, and in the mean time he and his household to be free to use the Common Prayer Book.

The militia he yields to for ten years, and afterwards to return to him: the covenant he is not satisfied in, but would have some of his own ministers sent to him to satisfy his scruples, that he will confirm the great seal, and all done by it, and for the future he to have it as formerly.

He grants what is desired for the city of London, speaks in behalf of his party, promiseth to recall the prince, and desires to come to London the better to satisfy the parliament. To the seventh and eighth propositions he assents, and to the ninth, upon satisfaction about the penalties. To the tenth, for an act against papists, he consents, and propounds a general act of oblivion and pardon to all on both parts.

The lords desired the concurrence of the commons to an ordinance against clipping of money.

Votes that all forces not subscribing for the service of Ireland shall be disbanded, except those for garrisons.

That the general be desired forthwith to repair to the army, if his health permit.

That the commissioners in the army send up any one or two officers of their company to give an account to the parliament, only Skippon to remain in the army.

Orders for a train of artillery to be sent to the lord Inchequin, and a letter of thanks to him, and for supplies to Ireland.

The whole day spent in debate upon the Confession of Faith. Confession of Faith.

Order about 400*l.* for colonel Mainwaring.

The list of ships for this summer's expedition passed.

20. Several compositions passed.

Many citizens presented a petition in prosecution of their former petition; and Mr. William Browne, one of the petitioners, at the door said that they had waited many days for an answer, and would wait no longer, but take another course. London petition.

Upon which being attested to the house, Browne was brought to the bar on his knee, as a delinquent, they being satisfied that he spake those words; and further, that when a member of the house who heard him took his name, Browne said, "Time may come when I may take your name."

The house were sensible that it was fit for them to be more

than formerly quick upon these occasions, and therefore voted,

Votes.

1. That the petition was an high breach of privilege.

2. That it was seditious.

3. That this petition and the former should be burnt in London.

The petitioners were called in, and told what a sense the house had of this and the former petition; and did conceive that the petitioners did not do it out of any disaffection to the parliament, but as being misled by others, and wished them to be careful in not agitating in petitions of that nature for the future.

Vote for one Kelsey to be governor of an hospital in Southampton.

The lords desired the commons' concurrence in a congratulatory letter to the archduke Leopold in Flanders, and for settling a correspondence there.

The lords voted that the king should come to Oatlands.

The provincial synod of London sat.

Sir Thomas Fairfax went to the army.

21. Both houses passed the ordinance for indemnity, for all things done by sea and land during the late troubles and wars.

248 The commons concurred with the lords, that sir Peter Killegrew go with a congratulatory letter from both houses to the archduke Leopold;

Ordered a writing in the hands of a member of the house be delivered to Mr. Brown, clerk of the parliament, that he may examine a forgery of his name to an act of parliament.

A petition from Northamptonshire of the pressures there appointed to be considered, and the petitioners had thanks.

Some of the commissioners came from the army, and reported their proceedings to the house, and the desires of the army: the commissioners ordered all of them to have thanks for their good service and pains; and upon debate of the particulars of the report the houses voted,

Votes for the army.

1. That the soldiers' arrears should be speedily audited, and a visible security given them for so much as shall not be paid off upon disbanding.

2. That by ordinance, the declaration of both houses be made good for apprentices to have their time allowed them that they have served in the wars for the parliament.

3. That an ordinance be for not pressing such sailors as have voluntarily served in the wars, for any service beyond seas.

4. That an ordinance be passed to provide for widows, maimed soldiers, and orphans.

Touching the vindication of the army, about their aspersion of their sending to the king, and concerning the declaration against them, and the imprisonment of some of their members, a day was set for further debate of it.

22. The house sat not, but committees.

The city petition was burnt at Westminster and the Exchange. City petition burnt.

Intelligence came from the army, that they rejoiced at their general's coming to them, and were all in good order.

A letter from Mr. Ashburnham to the king intercepted, and unciphered, advising him to forbear to make any absolute agreement with the parliament, for now that the peace beyond sea was almost concluded, the king might rely upon the aid of forty or fifty thousand men. Letter intercepted.

24. The house sat not.

Intelligence came that general David Lesley had cleared the north of Scotland of the Gordons.

Colonel Conwey beat a party of the rebels in Ireland, and took much cattle from them.

Letters informed that the prince sent to captain Carteret, deputy governor of Jersey, to banish all of the parliament's party out of the island, and to impose a new oath upon the inhabitants, and that he would send him relief out of France.

25. A report from the committee for disbanding the army; to begin with the general's regiment, and so to the rest; and all to be disbanded who would not engage for Ireland, and payment of six weeks of their arrears; and two months to those who were to go into Ireland. Disbanding.

The security of the arrears to be by the excise and delinquents' estates. The general to be desired to be present at the disbanding, and field-marshal Skippon to take in those engaged for Ireland, and a committee of lords and commons to go down to the army, to give them the thanks of the house in the head of each regiment for their faithful services, and to assist the general in disbanding of the army.

The ordinance against pressing any who had served the parliament in any foreign service was passed.

Ensign Nichols discharged from imprisonment, and colonel Lilburne and major Sanderson from further attendance.

Upon some private consultations with Mr. Hollis, sir Philip Stapleton, Mr. recorder Glyn, and others of that party, who did eagerly put on the business of disbanding the army, I declared my opinion against it, as that which might prove dangerous to them and to all the parliament party, if it should succeed; and withal, that I believed the army would not submit to it, and ill consequences might follow, if the votes passed for the doing of it.

But they still, both in private and in public, pressed it, having taken a pique against the army; themselves, many of them, having been left out of it by the self-denying ordinance; and yet Cromwell, Skippon, and other members of the house continued officers of the army, and their great success did increase the envy against them.

They likewise apprehended the advantage which they had in prosecuting this business, as that which would generally please the people, by ridding them of the soldiers, and easing them of the taxes; and they would not consider the doubt of the army's mutiny and disobedience, being over-resolute in this temper. The other party took occasion to have the more converse with Cromwell and that party, who entertained me with all respect and affection, and highly courted me. And as I had told Mr. Hollis and his party my judgment in private, so I declared the same upon the debate of this business in the house, which took very well, and created an interest for me with the other party.

Yet it was observed that this was not upon design or policy in them to come off to a new party, who might be thought more growing into power than the other, but it was their clear judgment.

But what they gained with the one party they lost with the other, neither continuing firm to them, who were not thoroughpaced in all things which they laboured to bring to pass; but we shall find in all sorts of business that honesty is the best policy, and a clear and sincere dealing, according to one's judgment and conscience, is seldom without a blessing accompanying of it.

26. The monthly fast-day; after sermons, upon information of one in Kent that married his father's wife, and had a child by her,

Ordered that the ordinance be brought in for punishing adultery, whoredom, and incest.

Reference to a committee about rebuilding of Torrington church.

The general removed his quarters to St. Edmond's Bury, and sent a letter to every regiment, that the grievances of the army were presented to the commons, and by them admitted to be heard and taken into consideration; therefore he required the soldiers to forbear any further actings by themselves, without their officers, in any irregular ways, and all officers strictly to see to it in their several charges, that there be no more such meetings or consultations of soldiers.

Petition of the army.

Many officers of the army presented a petition to the general, acknowledging the goodness of God in the successes under his excellency's conduct, and complimenting him. Then they express their sensibleness of some aspersions cast upon them, 249 as if they aimed more at private emolument than his excellency's honour and the army's or the soldiers' advantage.

They pray him not to receive any impressions from these imputations; profess their own fidelity and esteem of the general's person and conduct, and their judgment that they ought to defend, not direct, the proceedings of those by whose authority they were raised. Subscribed by colonel sir Robert Pye, colonel Graves, colonel Sheffield, colonel Butler, colonel Fortescue, and others of Hollis's party.

27. Divers compositions passed, and orders for pardons under the great seal.

A petition of the weavers of London referred to a committee.

The ordinance passed for sir Walter Earle to be master of the ordnance.

Order for 1500*l.* to the earl of Ancram in part of his arrears, and 10*l.* a week.

Some of the militia of London desired 12,000*l.* more than formerly ordered for the guards, which was ordered.

Order for 18,000*l.* for poor people who had lent under 5*l.* apiece.

28. Ordinance passed for maimed soldiers, widows, and orphans; another, for stating the accounts of the officers of the army; another, for 15,000*l.* for the arrears of under-officers; another, for taking the officers' accounts.

The lords desired the concurrence of the commons to a congratulatory declaration from the houses to the army, and to a letter to the general, and the votes of the house for the disbanding the foot regiments; they named the earl of Warwick and the lord De la Ware their commissioners to go to the army to assist the general in the disbanding.

Disbanding.

The commons consented to the lords, and named sir John Pots, sir Gilbert Gerrard, Mr. Grimstone, and Mr. Knightley, to go down commissioners with the lords to the army.

Referred to the committee to dispose of part of the train of artillery for Ireland, and the rest to be brought into the Tower of London.

Order for 500*l.* for the charges of the commissioners going down to the army.

Colonel Rainsborough ordered to go down to his regiment, to stay them where they were till further order.

29. The houses sat not. Letters informed that the general had removed his quarters to Bury, and the votes for the disbanding and eight weeks' pay to the army were imparted to them, and they seemed generally unsatisfied therewith, and say there is fifty-six weeks' pay due to them, and that they were not well rewarded for all their services; but the general sent for all his officers to Bury, to advise what was best to be done.

The distempers in North Wales settled by major-general Mitton, and seven hundred of those forces engaged for Ireland.

31. Letters from Bury informed, that at the council of war at Bury the general acquainted them with the votes for disbanding, and persuaded them to a compliance.

The council of war, upon their observation of the condition of every regiment, resolved that the votes would not be satisfactory, except six or seven of them; their reasons were, because eight weeks' pay voted was not a considerable part of their arrears; and that no visible security was given for what should not now be paid, and that nothing was done for their vindication; they being declared enemies, they might be dealt with as enemies when they came home, unless that declaration were recalled.

After this a petition was read which had been presented to the general in the name of the private soldiers of the army, desiring a general rendezvous of the army before their dis-

banding. It being an amazement to them to hear that some of the army were so soon to be disbanded, before all their grievances redressed.

The council of war resolved to contract the quarters of the army nearer to the head-quarter; in the mean time Ireton and Lilburne, Okey, Rich, and Harrison were appointed to draw up some heads of advice to be presented to the general by the council of war, not above five or six officers differing from it.

They show the necessity of the officers complying with the soldiers, who would have a general rendezvous without their officers, if not by their consent, and the spoil to the country by such a disorderly drawing together; and draw up a declaration to the general to that purpose, passed by all but four or five, and that his excellency would be pleased to represent to the parliament the condition of the army, and that they would be pleased to reassume the votes lately passed, and to suspend any present proceeding upon them, and some satisfaction to be given to the grievances of the army.

Relation, that colonel Fenwick's troop in Ireland defeated a party under the earl of Westmeath on great disadvantage, where captain Farrington, one lieutenant, one ensign, and sixty soldiers of the parliament's were slain, and the rebels lost three hundred; wherein captain Standley did gallantly: and of several other successes there.

My friends in the house, and some others who would have been rid of me, had moved that I might be sent lord-justice into Ireland to exercise the civil government, as field-marshal Skippon was to command on the military part, who was very willing to have my company; but I was not free to undertake that charge in Ireland. And now Cromwell and his party were against my going away, and more than formerly desired my company, and began to use my advice in many things.

I received this letter from Dr. Morley.

For my honoured friend Mr. Whitelocke.

Sir,

I understand by Mr. J. Palmer and divers others of my friends at London how much the whole university in general and I myself in particular are obliged to you, for which, in mine own and the

university's name, I do return you most humble and hearty thanks, which together with our hearty prayers unto God for you, is the best and only acknowledgment which the condition we are now in will suffer us to make to you or any of our friends; and this we are afraid may be too much too; any address from so odious a name as we are carrying something of scandal if not of danger to him to whom it is made along with it. Otherwise I do assure you, you had received public thanks in a public way before this time. But we are advised, by some of your friends and ours, to abstain from such expressions till there be a more seasonable time for them; which yet notwithstanding shall not hinder me from telling you that I am as sensible as any man can be of the obligation which I in particular have to you, and that there is nothing I would not willingly either do or suffer to make you know I am so. For the loss of my place here, though it was all I had for my subsistence, yet seeing I could not keep it with a good conscience, I thank God it doth not trouble me at all; pray God he, whosoever he be, that succeeds me in it may part with it at his death as cheerfully as I do now; and that my judges may not have cause to be more sorry for their sentence than I am. It is glory enough for me that Mr. Selden and Mr. Whitelocke were of another opinion; for, being absolved by you two and mine own conscience, I shall still think myself in a capacity of a better condition, and in the mean time not altogether unworthy to subscribe myself,

Your most obliged friend
and humble servant,
G. Morley.

June 1647.

1. Divers compositions passed, but the titles which they had since the war were altered; as, for sir Peter Ball, knight, they styled him Peter Ball, esq.; and so of the rest.

Ordinance for 30,000*l.* for such as had advanced sums upon the public faith, and were now become indigent.

Letters from sir Thomas Fairfax, that he had called a council of war, and communicated to them the letters and votes of the parliament; and sends the results of the council, saith, "It is a grief to him that there should be a misunderstanding between the parliament and the army, and that the late votes did not give satisfaction, wisheth that things may be determined in love, and ways of composure thought upon; that the officers were many and unanimous, and a speedy resolution taken."

Order that the money sent to disband the general's regiment be recalled, the like for colonel Ingolsby's regiment, and the commissioners sent to the army to be recalled.

That field-marshal Skippon do forthwith attend the house. The lords agreed.

The lords desired concurrence of the commons to take off the sequestration of the duke of Bucks.

2. Information against sir Richard Price, a member of the house, bearing arms against the parliament; notice to him to attend; the like against sir Philip Percival, referred to a committee.

Three thousand pounds recalled, that was to have been paid to colonel Ingolsby's regiment, was stopped by some of colonel Rainsborough's men, and many come into Oxford.

A petition of the city with a thousand hands read, and laid aside. The city petition.

Order that the forces drawn for Ireland shall have a month's pay.

Order for 3000*l.* for widows, &c.

3. Vote for an ordinance to enable soldiers to assign their debentures, and that officers be protected from arrests for two months, whilst they attend the committee of accounts. That officers in prison should have their arrears first audited and paid, and accounts left with the committee shall be of equal benefit to the officers who attend the parliament's service as to any others, and that the accounts be expedited.

Order that the common soldiers shall have all their arrears, deducting for free quarter, the like for non-commissioned officers, and commissioned officers to have three months' pay; and a letter to acquaint the general with what the house had done in pursuance of the desires of the army, and to signify to him their desire of his care to keep the army in an orderly posture.

Order for 10,000*l.* for the officers whose accounts were stated.

And that the declaration against the army be razed out of the journal of the house, and the lords desired to do the like: and here the parliament began to surrender themselves and their power into the hands of their own army. Declaration against the army razed out of the journal.

The general's regiment came nearer to the army of their own accord, some of the other regiments marched without their colours, and divers troops were very disorderly.

4. An ordinance of indemnity, more large than the former, was committed, and orders for an act of oblivion to be brought in.

Order to continue the commissioners of the great seal for forty days after the term, and the ordinance for hearing causes in chancery.

Letters from the commissioners at Holmby, with an enclosed note delivered in by cornet Joyce, and captain Titus related the coming of a party of horse to Holmby.

Fifty pounds ordered to Titus to buy him a horse.

A petition of soldiers referred to the auditors to state their accounts.

Order for 10,000*l.* for the petitioners.

The lords desired the commons' concurrence to recall the king's children to London, and to a letter to the general: they agreed to the first.

Two members of the house that fell out were enjoined by the house to keep the peace.

The king carried from Holmby by the army.

5. Letters from Holmby from the commissioners informed, that a party of horse sent from the committee of troopers of the army came to Holmby, where, after they had secured the guards, they demanded his majesty; the commissioners, amazed at it, demanded of them what warrant they had for what they did, but they would give no other account but that it was the pleasure of the army.

When they came to his majesty he demanded several questions of them, as security for his person, &c., which they promised, and the next day his majesty and the commissioners went along with this party towards the army.

That night the king lay at Huntington.

Mr. Walford, the commissioners' messenger, was called into the house, and related the particulars of this business, and had 100*l.* given him.

Sir Robert Pye and his officers had thanks, and pay for bringing off his troop for Ireland, the like for colonel Graves's regiment, and for other officers and soldiers, and quarters assigned them.

The ordinance for further indemnity, and the declaration to recall the former declaration against the army passed the commons.

Order for 10,000*l.* for soldiers late in service.

The lords agreed to the votes concerning the army.

Order for all the members of the house forthwith to attend.

At a conference between the Scots commissioners and the committee of both houses, the lord Dumfermling acquainted them that the king commanded him to tell them, that his majesty was unwillingly taken away by a party of the army, and that he desired both houses to maintain the laws of the land, and that though his majesty might sign many things in this condition, yet he would not have them believed till further notice from him. 251

Upon occasion of this and other urgent business, the house ordered to sit to-morrow, though the Lord's-day, after four o'clock, and that Mr. Marshall be desired to pray with them.

Letters from the army, that the rendezvous was held near Bury; seven regiments of foot and six of horse appeared. Colonel Whaly's regiment was despatched to Holmby upon intelligence of the party of the army marched thither, and the general sent to the parliament the grounds of the soldiers' undertaking of themselves the business of Holmby, which they sent to the general, which were,

That they had intimation of a design which they were able to make good, of some to surprise him.

Colonel Graves was discharged from that employment at Holmby, and colonel Whaly in his place.

Army petition.

At the rendezvous, a petition in the name of the soldiery of the army was presented to the general to this effect:

That they could not be satisfied with their arrears or other returns, unless they had assurance that their enemies might not be their judges for the future.

The general went to every regiment, and expressed to them that the parliament took notice of their civil and fair demeanour, and had taken a course to satisfy their arrears, and doubted not but they would answer their other grievances; advised them to moderation and discretion, and not to fall into any mutinous expressions against the parliament.

The soldiers entertained him with shouts and acclamations.

6. After evening sermon this Lord's day the house met, and after the prayer by Mr. Marshall they fell upon the business of the army.

And a letter from the general was read, to know the pleasure of the houses concerning the disposal of the king's person, and the reasons given by the soldiers for fetching him from Holmby, and the further petition from the soldiers of the army.

Letters informed that the king asked the troopers that brought him from Holmby, what commission they had for so doing? Cornet Joyce, who commanded them, answered, that his majesty saw their commission: the king replied, that it had the fairest frontispiece of any that he ever saw, being five hundred proper men on horseback.

Colonel Whaly was sent to stay the king wherever he finds him. His majesty was used with all civility, but kept with a guard as formerly.

The soldiers petitioned the general to cashier such officers as went about to divide the army. Colonel Lilburne's regiment cashiered some of their officers, because they voted contrary to the rest.

7. Letters from the general of the soldiers bringing his majesty from Holmby, and he would be at Newmarket the next day, and the ground of the soldiers' doing it, as before.

That he sent colonel Whaly and two other regiments towards the king to secure him. Whaly certified that the king was come within four miles of Cambridge, and not willing to return to Holmby. The general sent to the commissioners to desire them to return to Holmby, but they refused to act concerning disposing the king.

The general professeth that this remove was without the desire or privity of him or the body of the army.

A guard put upon the king by colonel Whaly; and the general protests his resolution and the army's to study to settle peace, and the just liberties of the people; and the parliament's speedy application to these will further the disbanding of the army; whose sense is clear from opposing presbytery, or to have independent government set up, or to

hold a licentiousness in religion; but to leave all to the wisdom of the parliament.

Vote to send down new commissioners to the army to acquaint them what the parliament had done in satisfaction of their desires, and to persuade them to a compliance with the parliament: the lords concurred: the commissioners were, the earl of Nottingham, lord De la Ware, sir Henry Vane, jun., Skippon, Mr. Scowen, and Mr. Povey, who went away this day.

Mr. Marshall and Mr. Caryl discharged from attendance upon the commissioners with the king.

Order for a fast for the house only, and in the house: the lords did the like.

Debate about the vote of the lords to remove his majesty to Oatlands, and resolved in the negative.

The large act of indemnity passed.

Leave to the earl of Dumfermling to go into France.

The lords ordered the committee of Derby-house to take care for the security of the parliament.

Letters informed a great defeat given by sir Charles Coot to the rebels in Ireland; one thousand of them slain.

8. Petition of London commanded by the lord-mayor, aldermen, and common-council, that all honourable means may be used to avoid shedding of more blood, to give just satisfaction to the army. That the covenant may be kept, and his majesty's person preserved, and both parliaments have access to him, and that Ireland may be relieved, and to renew an ordinance to suppress tumults, and prevent danger to the parliament and city. London petition.

A committee named to bring in an ordinance according to the desire of the petitioners; and they had the heartiest thanks that the house could express for their constant affections to the parliament, and for providing guards so seasonably for the safety of the parliament; and the continuance of their care desired.

Both houses passed the ordinance for making void the former declaration against the army, and another for recreation of scholars, apprentices, and servants.

A very rude address was made to the house by reformados and common soldiers within the line, who blocked up the Soldiers.

house door about two hours, and would let no member pass till the house granted them all their arrears.

The house were in a sort forced to order their accounts to be stated, and 10,000*l.* more than formerly added for their payment.

Orders for some members to go to the States' ambassadors to excuse any mistakes, and to desire the unity and affection of both nations.

Another for 300*l.* for the commissioners going down to the army, and for Mr. Thomas Goodwyn to go with them. That the militia be desired to send down a regiment to attend the house to-morrow, and for 10,000*l.* for the service of Ireland.

252 9. Each house kept a solemn fast in their several houses.

10. The city petition presented to the lords, and the petitioners had thanks.

The lords chose a committee to consider of all the grievances of the kingdom, and to present them to the house.

They desired a conference with the commons, about paying such officers as served under the earl of Essex, and disbanded willingly upon the order of the houses, and they put the commons in mind of putting down the country committees.

The commons resumed the debate of the self-denying ordinance, and voted,

Votes. That such members as have any office, place, or sequestration from the parliament, those places shall be void.

That the benefit such members have received shall be paid in to the use of the commonwealth, and the committee to take the accounts.

That the lands and estates of all members of the house be liable to the law for payment of their debts.

A day set to hear informations against members, and that no member hereafter shall receive any reparation for damages by these times till the public debts be first satisfied.

Letters from sir Thomas Fairfax certified, that the king being ill accommodated at sir John Cutts's house, sir Thomas Fairfax went over thither to him, and to advise with the commissioners whither to remove him, but they refused to advise

The king. or act in that business; and the king declared that unless he were forced he would not return to Holmby; whereupon the

general ordered colonel Whaly to attend the king to Newmarket.

The general rendezvous of the army was appointed at Triploe heath, near Cambridge. Army.

Letters from the commissioners related,

That the general, lieutenant-general, and other officers came with him to the king, who said that cornet Joyce had the commission of the whole army for what he did, and by consequence had the general's commission.

That Joyce, being present, said, that he avowed to the king that he had not the general's commission. The king replied, That surely Joyce durst not have attempted such a thing without that commission.

11. Both houses passed the ordinance to enable the militia of London to raise horse for defence of the city. Another, to take off the excise of flesh and salt.

A committee of both houses named, to advise with the militia of London about arming all within the lines of communication for the safety of the parliament and city, if there be occasion.

Colonel Sands, colonel Devereux, and colonel Wiltshire came to the house, and acquainted them, that meeting with a major, lately come from the army at Triploe heath, he told them that the army was upon their advance, and the horse would be here to-morrow by noon, and said, if they would come into the army, they should be included in the capitulation of their arrears. Ordered to send for the major in safe custody.

The committee of safety was revived, and to act this evening. The sheriffs and common-council came to the house this evening, with a letter sent to them from the army: a committee of both houses was named to go down to the militia about it, and they sat all night in consultation. Committee of safety.

The commons sat late this night. Letters were ordered from both houses to sir Thomas Fairfax, to desire that the army might not come within fifteen miles of the city.

Order, that all officers and soldiers of the army who will conform to the votes of parliament sent down to them shall receive the benefit of them, and 10,000*l.* upon account ordered for them.

The general kept a fast-day in Cambridge.

The commissioners sent down to the army came to Cambridge, where the general visited them, and they communicated to him the votes of the house, and to his officers with him, and desired their advice in communicating them to the army.

The general ordered a general rendezvous near Royston, where he and the commissioners rode to each regiment, and first acquainted the general's regiment with the votes of the parliament, and Skippon spake to them to persuade a compliance.

Then an officer of the regiment returned answer, that the regiment did desire that there might be an answer returned after perusal of the votes by some select officers and agitators, whom the regiment had chosen; and that it was the motion of the regiment.

The officer desired the general and commissioners to give him leave to ask the whole regiment if this were their answer; to which they cried, *All.*

Then he put the question; If any man were of a contrary opinion he should say *No;* and not one man gave his *No.*

The agitators in behalf of the soldiers pressed to have the question put, whether the regiment did acquiesce and were satisfied with the votes, but in regard the other way was more orderly, and they might after perusal proceed more deliberately, that question was laid aside.

The like was in the other regiments, and all were very unanimous; and after the commissioners had done reading the votes, and speaking to each regiment, and received their answer, all of them cried out, *Justice! justice!*

Petitions against disbanding.

A petition was delivered in the field to the general in the name of many well-affected people in Essex, desiring that the army might not be disbanded, in regard the commonwealth had many enemies, who watched for such an occasion to destroy the good people.

Some muskets were taken out of Cambridge-castle, and distributed among the soldiers at the rendezvous.

Divers of the general's life-guard deserted the troop, and had passes to go for London.

Another petition to the general, from Norfolk and Suffolk, desiring the army might not disband till grievances were redressed.

12. Upon a rumour that the army was coming towards London, all the trained-bands were raised on pain of death, but afterwards dismissed again, and strong guards set; the shops were also shut up, but in a day or two opened again, and all things were peaceable in the city. Shops shut.

The common-council resolved, with the houses' approbation, to send a letter and some of their members to the army, to treat with the general and officers about a right understanding between the army and the city.

Letters from the commissioners in the army of their proceedings, and the army's advance near London, and the petitions to the general by the counties not to disband.

Information from alderman Adams, of a design to secure Newcastle for the king, referred to field-marshal Skippon.

Sir Thomas Widdrington added to the commissioners in the army, and larger instructions given, to know what the desires of the army were, and what would give them satis- 253
faction, and the lords concurred herein.

Orders for ammunition for Plymouth, &c.

Letters from the general, that the army was advanced near St. Alban's before he received the houses' letter that they should not come so near London, and he doubted not to give a good account of the reasons of their advance, and desired a month's pay for them, that they might not be burdensome to the country.

The houses approved the letter to be sent from the city to the army: they sat late this night, and ordered to sit again to-morrow, though Sunday.

13. After the evening sermon the house sat, and had a letter from their commissioners at St. Alban's.

That sir Thomas Widdrington and colonel White had acquainted the general with the additional instructions.

14. Both houses named a committee to draw up a declaration what they had done and intended to do for the ease of the people, and for the soldiery, and for settlement of peace; and that a committee was appointed to consider what place is fit for the king to come unto, for the applications of both kingdoms to be made to him for settling peace.

Upon a petition of divers officers, order for a declaration, that hereafter none should presume, on pain of death, to meet

in a tumultuous way, as they had lately done, and the militia to send a considerable guard to the house.

Captain Falconbridge and captain White ordered to bring the trained bands of Westminster for guards to the house.

A committee of both houses to draw a declaration what the army hath demanded and what the houses have offered.

The commons being informed that divers of the parliament's old officers and soldiers were in the hall and palace, they sent to them to withdraw.

Letters from Ireland that some of the rebels were returned out of Scotland into Ulster, that the parliament's commissioners and colonel Jones with some forces were landed at Dublin.

That the lord Inchequin sent a party to surprise some cattle near Waterford; the rebels sallied out, and were beaten back, about a hundred of them slain and wounded, many prisoners and much cattle taken.

15. Order of both houses, that the general be required to deliver the person of the king to such persons as both houses shall appoint, to be placed at Richmond, under such guards and in such manner as they shall think fit, to the intent that the propositions agreed upon by both kingdoms may be speedily presented to his majesty for the settling a safe and well-grounded peace.

That the persons to whom the king shall be delivered shall be the commissioners now with him, or any three of them.

That the guards to receive orders from the commissioners shall be colonel Rossiter and his regiment.

Order for colonel Birch to have the public faith for 4900*l.* upon his accounts.

Officers whose accounts are not stated to have one month's pay for subsistence.

Order for the committee of indemnity to discharge those that are or shall be under restraint for any thing done *tempore et loco belli.*

A month's pay to colonel Graves's forces.

Letters from the commissioners in the army informed, that the votes concerning those that would come away from the army did much distaste them.

The results from the army were,

I. The heads of a charge against divers members of the house of commons, which they delivered in to be speeded by the parliament, and when they should be admitted, would appoint fit persons on theirs and the kingdom's behalf to prosecute and make good the same. Demands of the army.

II. If the parliament shall admit these things at the desire of the army, and proceed for a general satisfaction therein, then they desire,

1. That the persons impeached may be suspended, else they can expect no good issue, if the same persons who have appeared most active in the late proceedings to the prejudice and provocation of the army, and hazarding the peace of the kingdom, shall continue in the same power, and judges of these things.

2. For a month's pay, and a resolution thereupon in two days.

3. That those of the army may have as much pay as they who have engaged for Ireland, or come away from the army.

4. That none who have so deserted the army may have any more pay till the rest of the army be first satisfied in their arrears.

5. That during the transactions of this business the parliament would not suffer (as some have designed) any new forces to be raised in this kingdom, or to be brought out of any other kingdom hither, or any thing else to be done that may carry the face of a new war, or may endanger the settlement of the liberties and peace of this kingdom.

6. That the parliament would be pleased (without any delay) to put these things into a speedy way of resolution, and despatch the present condition of the kingdom and army, and of the king, not admitting delays.

16. A charge came to the houses from sir Thomas Fairfax and the officers and soldiers of the army against eleven members of the house of commons, whereby they are charged with obstructing the business of Ireland, to have been actors against the army, and against the laws and liberties of the subject, and obstructors of justice. Charges against the eleven members.

The members charged were Denzill Hollis, esq., sir Philip Stapleton, sir William Lewis, sir John Clotworthy, sir William Waller, sir John Maynard, major-general Massey, Mr. recorder Glyn, colonel Walter Long, colonel Edward Harley, and Mr. Anthony Nichols.

After reading of the charge, the members severally made some defence thereunto, and desired it might be put into a speedy way of trial.

Some of the officers of the army told me afterwards that I was named, but not agreed to be one.

Declaration of the army.

A declaration of the army was sent from the commissioners, vindicating their proceedings, and their desires for the settling and securing their own and the kingdom's common rest, freedom, peace, and safety.

The commissioners of the city returned from the army with expressions of love; and the common-council voted to send a letter to the army, with leave from the houses, that, according to their desire, no forces shall be raised against them; and that they will move the parliament for money to
254 pay the army, and that they may withdraw further from the city.

The army further desired of the parliament,

Desires of the army.

1. That the houses may be speedily purged of such as ought not to sit there.

2. That those persons who have abused the parliament and army, and endangered the kingdom, may speedily be disabled from doing the like.

3. That some time may be set for the continuance of this and future parliaments, and new elections made successively, according to the bill for triennial parliaments.

4. That provision be made that future parliaments may not be dissolved at the king's pleasure without their consent, but continue the set time.

5. That the right of the people to represent to the parliament their grievances by petition may be vindicated.

6. That the large powers given to committees or deputy lieutenants during the war, as appear not necessary to be continued, may be taken away, and such as are necessary may be put into a regulated way, and left to as little arbitrariness as the nature and necessity thereof will bear.

7. They wish that the kingdom may be righted and satisfied in point of accounts and other things wherein the commonwealth may be conceived to have been wronged.

8. That public justice being satisfied by some few examples of the worst of excepted persons, some course may be taken, by a general act of oblivion, or otherwise, whereby the seeds of future war or fears may be taken away.

Ireton.

In these declarations and transactions of the army, colonel Ireton was chiefly employed, or took upon him the business

of the pen; and having been bred in the Middle Temple, and learned some grounds of the law of England, and being of a working and laborious brain and fancy, he set himself much upon these businesses, and was therein encouraged and assisted by lieutenant-general Cromwell, his father-in-law, and by colonel Lambert, who had likewise studied in the inns of court, and was of a subtle and working brain.

An account was given by the commissioners of the city of their transactions with the army, and was approved by the house.

A petition was presented to the general in the name of Bucks men, subscribed by a thousand hands, extolling the merits and achievements of the general and army; and expressing their readiness to join with them, to bring to just censures any that should endeavour to make them odious to the parliament or kingdom. Petition.

Both houses ordered, that the several orders made by the committee of safety for the listing and drawing together of any forces of counties shall be void, and also the order for colonel Dalbier and others to bring in a list of such gentlemen and reformados as are willing to engage in the parliament's service.

17. Orders for securing of arms and ammunition; and for a pass for the lord Lauderdale and other Scots to go to the king; and for a month's pay for the army, in part of the three months' pay for disbanding or engaging for Ireland.

Orders for a letter to the general, to require him to retreat with his army forty miles from London; and another to the commissioners in the army, to acquaint them with the votes for a month's pay.

Upon letters from colonel Blunt of the misdemeanours of sir Robert Pye's troopers in Kent, the examination thereof, and the easing of the county of Kent, referred to a committee.

An ordinance passed for indemnity of the forces that deserted the army.

Order for a month's pay for colonel Rossiter's regiment, and for the forces of Tinmouth and Newcastle.

A petition from Hertfordshire subscribed with twelve hundred hands, and presented by two hundred knights and gentlemen to the general, much to the same effect as the former Petition.

from Essex, Bucks, &c.; and that malignants might not be elected members of parliament, nor put in any places of trust; and that the parliament-men and others who had received any of the parliament's money might be called to account.

18. Orders for issuing money for soldiers, and for guards for the treasurers.

The letter from the common-council of London to the army, now brought to the house, was not approved of.

19. A second letter from the common-council to sir Thomas Fairfax was brought to the house for their approbation, and after a long debate the house left the common-council to themselves to write what letter they thought fit to the general, and they sent one to the general and his officers.

The commissioners attending the king sent to sir Thomas Fairfax to know his answer to the votes concerning the disposal of the king's person to Richmond.

The lord-mayor, with the advice of the aldermen and common-council, published a command for all the trained-bands and auxiliaries to appear at their colours (taking notice of their former backwardness) for suppressing of tumults and unlawful assemblies in the city.

All addresses to the army.

It was strange to see how several counties and the citizens of London began to make all their applications to the general and army, omitting the parliament; and all looked upon the army in the chief place, and were afraid of doing any thing contrary to them.

Mr. Peters went to the king to Newmarket, and had much discourse with him.

21. Letters from major-general Langherne of an insurrection in Wales, who declared themselves for the king and sir Thomas Fairfax, and the major-general went to suppress them.

Letters from major-general Poyntz for commission to stop the mutinying of the soldiers, and for pay for them.

Sir Peter Killegrew sent with letters to the commissioners attending the king, and to the king, with the votes for his removing to Richmond.

Votes passed upon the representation of the army.

Votes upon the representation of the army.

1. That no person that hath been in actual war against the parliament, or acted in the commission of array, or voluntarily aided the king, or received pardon from him, shall presume to sit in the house.

2. That if they do sit, they shall incur the displeasure of the house.

3. That the committee for examining such cases be revived.

4. That a declaration be brought in for any who have any charge against any member of the house to come in.

5. That the committee bring in by a day such charges as are already before them against any members. 255

6. That the report of elections be brought in by a short day.

Orders for pay of the soldiers.

Divers censures passed upon the parliament for their votes, and resolution to comply with a mutinous army, who had their pay and power from them. The parliament censured.

Others approved them as prudent respecting the time, and to avoid blood.

Some wished the first votes and severe prosecuting the business of disbanding had been declined, which occasioned this trouble.

Cromwell began now to mount still higher, and carried his business with great subtilty. Cromwell.

An impeachment was against his enemies in parliament, and the business of the army guided by his son-in-law Ireton and others under Cromwell.

Letters from sir Thomas Fairfax of his submission to the votes of parliament for the king's going to Richmond, and the house ordered the house to be prepared for him.

The agitators of the army sent to the Trinity-house concerning the navy.

Ordered that sir Robert Pye's troop do not return to the army without leave of the parliament.

Sir Thomas Fairfax published a proclamation, that no soldier of his army molest any countrymen, or others, or abuse any in their quarters or marches.

22. Letters from the general and commissioners in the army, of the receipt of the parliament's votes, and the month's pay, and that shortly there would be a council of war about them, and then would be returned a positive, and no doubt a satisfactory answer.

Order for proceedings against judge Jenkins, and Mr. solicitor St. John, sergeant Jermyn, Mr. Bradshaw, and Mr. Prynne to prosecute him.

Order for a month's pay for the forces of the northern

association, and for major-general Poyntz, to secure such as disturb his forces, and to quiet his regiments.

Order to put out the justices of peace as were of the insurrection in Wales, and the letters of major-general Langherne to be sent to the general, desiring him to take care for quieting those distempers about which the general sent to them, and for supplies for Langherne's forces.

The ordinance passed for raising 60,000*l.* a month, for maintenance of the forces in this kingdom, and for the service of Ireland; and the lessening of the former assessment gave some content to the people.

23. Colonel Birch, stopped by the guards, was discharged by the general.

Army. Debate about the charge of the army against the eleven members, and a letter sent to the general, that what shall be particularly charged against their members with testimony and witnesses shall be received, and the house proceed in a legal way therein.

The third proposition of the representation of the army upon the question resolved not to be debated, and the fourth; and a day set to debate the fifth proposition.

The city commissioners returned with letters from the general, further to satisfy the city of his real intentions towards them.

24. The common-council acquainted the house with a remonstrance, and a letter sent from the general and the army, and in prosecution thereof they desired,

Desires of the city. 1. That they may have further leave to send some of their members to the army to hold a good correspondence with the army; which, after debate, the house agreed.

2. That all forces listed by the committee of safety or militia may be discharged; which was also hardly consented to.

3. That the discontented reduced officers and soldiers may be put out of the lines of communication; to which was answered, that they had put it in such a way as in their judgments they thought fit.

The remonstrance of the army was,

Remonstrance of the army. 1. That the declaration inviting men to desert the army be recalled.

2. That the army may be paid up equally to the deserters.

3. That his majesty's coming to Richmond may be suspended, until affairs be better settled; and no place appointed for his resi-

dence nearer London than the parliament will allow the quarters of the army to be.

4. That the members charged may be forthwith suspended the house.

5. That those who have deserted the army may be dispersed, and receive no more of their arrears till the army be first satisfied.

6. That the parliament and city may be freed from the multitudes of reformados and soldiers.

7. That all listings and raisings of new forces, and preparations towards a new war, may be declared against and suppressed.

8. That the present perplexed affairs of the kingdom and army may be put into a speedy way of settlement.

The lords desired the commons' consent to a letter to the king, That by reason of some late accidents they humbly entreated his majesty either to stay at Royston or Theobalds, or to return to Newmarket; to which the commons agreed. Letter to the king.

25. Debate of the charge of the eleven members, and voted, that by the law no judgment can be given to suspend those members from sitting in the house upon the papers presented from the army, before the particulars be produced and proofs made; and that it doth not appear that any thing hath been said or done in the house by any of those members, touching any matters in the papers sent from the army, for which the house can in justice suspend them. Vote.

Order for pulling down the new excise-house in Smithfield, to which work many people gladly resorted, and carried away the materials.

The head-quarters of the army removed from St. Alban's to Barkhamstead: the king was unwilling to return to Newmarket, but stayed at Royston.

Power given to the parliament's commissioners to confer with the commissioners of the city in the army, and order for the militia of London to send four companies for the guard of the parliament.

26. Letters from the commissioners in the army, and from 256
the general, of the grounds of the army's advance nearer London, not to awe the parliament, or be a terror to them or the city; and renewed their desires, that the members charged by them may be suspended the house, and then they will give in a more particular charge, with the proofs to make it good.

Letters from the general and his officers to the city, as- Army.

suring them that they will keep their promise to them, and intend not in their near approach any prejudice to the city; that they tender their peace and welfare equal with their own; and their aims are only to obtain a firm peace, and not a new war.

The head-quarters came to Uxbridge, and resolved not to march nearer London.

The king was at Hatfield.

Eleven members leave the house.

Upon a debate of a message from the eleven members charged by the army, the house at last agreed to it, and they all left the house; Mr. Hollis, sir Philip Stapleton, and Mr. Long, went together in a ship to France, where that gallant English gentleman sir Philip Stapleton fell sick at sea, and grew more sick on shore at Calais, and within two or three days died there, as some suspected, of the plague.

Sir Philip Stapleton dies.

Others of the eleven members went to other parts, and some of them retired into their countries, and there lived privately: Mr. Hollis continued divers years after in Britany in France.

Letters from the commissioners in the army about their additional powers.

Orders touching the arrears of listed officers, out of the 25,000*l.*

The ordinance passed the commons for relaxation of scholars and apprentices.

Letters from Uxbridge informed that Dr. Hammond and Dr. Shelden were come to the king to Hatfield: that the council of war sat all night at Uxbridge, and recalled some of their regiments who had quarters nearer London.

28. Upon letters from the commissioners with the king, the house ordered, that they do remove the duke of Richmond, Dr. Shelden, Dr. Hammond, and all others who ought not to come to the king according to their instructions, and that a letter be sent to the general, to give order that the guards attending his majesty observe the commands of the commissioners in relation to their instructions, and in keeping malignants from the king.

Letters from the army to this effect:

Letters from the army.

That as to the vote, that for any thing done by the eleven members in the house, they could not in justice suspend them, though they doubted not but, if it might be done with-

out breach of privilege, they could prove such proceedings and practices of theirs in the house that they ought to be suspended, yet they were so tender of the privileges of parliament, that at present they would forbear to press any further upon that point.

To the vote, that by the law no judgment can be given to suspend those members upon the papers from the army till particulars produced and proofs made, though reasons may be given and precedents of this parliament produced to the contrary, as in cases of the earl of Strafford, the archbishop of Canterbury, and the lord Finch; yet, considering the proceedings thereupon will take up much time, and the present unsettled affairs will require a speedy consideration, they are willing that the greater and more general matters be first settled, and will forbear giving in the particulars unless required.

Whereas they understand that the members charged by them desired leave to withdraw themselves from the house, they take notice of the modesty thereof, and suppose that as the gentlemen themselves will forbear to offer the contrary, so they expect the wisdom and justice of the house will not admit of any thing to the contrary, to interrupt the proceedings upon the general affairs.

The house passed these votes:

Votes.

That no officer or soldier of the army shall leave the army without license or discharge from the general.

That they do own this army as their army, and will make provision for their maintenance, and for their pay equally with those that have deserted the army.

Referred to the committees of the army to make provision accordingly.

Referred to the commissioners in the army to be earnest with the general, that no obstruction or discouragement be given by the soldiers to the levying of the excise and other assessments.

An ordinance read for saving harmless all well-affected persons from any bonds, &c. extorted from them by the enemy in the time of war.

Referred to the commissioners of the great seal to bring in a list of judges for the next circuit.

29. An ordinance passed both houses for colonel Butler to be governor of the Isle of Scilly.

The eleven members. A petition from the eleven members (except the recorder Glyn) to come to a speedy trial: himself told me, that he earnestly advised his brethren against this petition; but they were wilful, and he would not join in it.

A day set for the particular charge of the army to be brought in against the eleven members.

Order for the accounts to be stated of colonel Graves's and colonel Pye's forces, and that the officers and soldiers come off from the army advance for Ireland, or be disbanded.

An ordinance committed for soldiers, not inhabitants, to depart the city.

Both houses granted a pass to the Dutch ambassador to go to the king, and so to return home.

30. The fast-day, after sermons,

A committee appointed about reedifying the church of Torrington.

Another, to consider of able persons for accommodation in religion.

Order for the magistrates of the city to be careful to execute the ordinances for observation of the Lord's-day and fast-days, and for inquiry what malignant ministers have been admitted into benefices.

Army. Letters from the commissioners in the army, and from sir Thomas Fairfax, that the last votes of the house had met with such compliance in his council of war, that in confidence of this further progress about the desires of the army, and in submission to the votes of parliament, the army had removed their quarters further from London, and were to be this night at Wycombe.

The commissioners in the army were desired by the council
257 of war to procure from the parliament a full answer to the last propositions of the army, before which they cannot conclude any thing upon the treaty.

Mr. Patrick Young, formerly his majesty's library-keeper at St. James's, and a great scholar, with the assistance of Selden and myself, undertook the printing of the Septuagint translation of the Bible; whereof he had in his custody a famous ancient copy, if not an original manuscript; and I at-

tended and joined with Mr. Selden in giving my best assistance to so good a work.

July 1647.

1. Orders about pay for the army.

That the king shall reside no nearer London than the quarters of the army will be borne.

That the committee do meet about accommodation in religion.

Information of one Cosens, an alderman of Newcastle, negotiating to bring the Scots again into England.

The lords were desired to expedite the propositions to be sent to the king.

It was reported that part of the charge against the eleven members, particularly against Mr. Hollis, would be the business of the lord Savile's information against him and me; but I took no notice, nor inquired further after it. The eleven members.

2. A petition from the common-council.

1. That command be given that no officer or soldier come within the lines of communication, upon pretence to share moneys for their arrears. London petition.

2. That such as are paid may depart the city within two days.

3. That all who have been in arms against the parliament may depart the city.

4. That such as have come in from the army may be otherwise disposed of.

5. That all bring in concealed goods.

6. That the revenue be managed by rules.

7. That the parliament would lay aside lesser businesses, and prepare such laws for the king's concurrence as may settle the government of the church, secure the people from arbitrary power, and to restore his majesty to his just rights and authority.

8. That all officers of state and justice may be persons of honour, of considerable interest and known integrity.

9. That speedy care be had of Ireland.

10. That correspondence with Scotland according to the covenant be maintained.

11. That elections may be examined, and the house purged of such as are unduly elected, or have been against the parliament.

12. For a course to decide admiralty causes.

13. That satisfaction being made by delinquents, an act of oblivion may be passed.

Answer. The petitioners had thanks for their good affections, and answer, that most of the particulars were under consideration.

I attended the less in the house when these matters were in agitation, being unsatisfied that the army and city should thus seem to impose upon the parliament.

Reference to the committee of Cheshire about pay and lessening of the garrison of Chester.

Orders about the affairs of Ireland.

That 2600*l.* be paid to the lord of Ormond, and for money for advance and transport of forces into Ireland, and that three commissioners be sent into Munster.

Petitions. One of the knights of Essex presented a petition from part of that county, and the gentlemen that brought it had thanks for their good affections, and the house took notice of the delivery of it in a parliamentary way.

Other petitions from Norfolk and Suffolk.

Army. Letters from the general and his officers, with a declaration of the army, disclaiming a pamphlet, called *Heads presented by the army to the king's majesty*; and another, called *Articles agreed upon betwixt the king and the army*, as false, scandalous, and injurious to them, and which they detest; and desire the authors may be found out.

Letters from the commissioners in the army certified, that the general had appointed lieutenant-general Cromwell, colonel Ireton, colonel Fleetwood, colonel Rainsborough, colonel Harrison, colonel sir Har. Waller, colonel Rich, colonel Lambert, colonel Hammond, and major Rainsborough, or any five of them, to treat with the parliament's commissioners upon the papers sent from the army to the parliament, and their votes.

Eleven members. To the vote touching the eleven members was answered, that the council of war had a great willingness to answer the expectation of the house in all things, so in this particular; but the things being of great importance, and the persons charged many, it had taken more time than was expected; they therefore desire respite for three or four days, when they would bring in the particular charge against the eleven members, and the kingdom shall see that they have not impeached the gentlemen out of any private respects, but their duty to the public.

The general set forth a proclamation forbidding any abuse

or obstruction to the parliament's officers in levying the excise or assessments.

The king went to Windsor for two or three days to see his children.

3. Letters of an high mutiny of the soldiers in Chester. Order for money for them, and to lessen the garrison.

A petition of one Goodwyn a curate, who gave uncivil words to divers members of the house for an answer of his petition; resolved, that the petitioner hath no cause of complaint, but deserves punishment for his scandalous petition. Petition.

Orders for pay for the northern association and for Dover.

Upon the prince elector's desire, it was left to his pleasure to visit the king if he thought fit. Prince elector.

The treaty proceeded in the army, and they removed their head-quarters to Reading: the king returned from Windsor to Causham, the lord Craven's house near Reading.

I and several members did not attend the house so frequently as heretofore, seeing the designs put upon them by the army and the city, and tumultuous petitions.

5. Vote to add a penalty to such as sit in the house, not being duly chosen, and that none who have assisted the king in the late war, or the cessation, or rebellion in Ireland, or that have been sequestered for delinquency, shall sit in parliament. Vote.

Orders touching new elections.

Upon a petition of the Trinity-house, order that Dr. Clerk shall be judge-advocate, and an ordinance to give further power to the Trinity-house.

Goodwyn the curate, for his insolency and revilings, committed to Newgate.

Votes of the lords to leave out of the first qualification of excepted persons prince Rupert and Maurice, and others. Treaty.

The treaty went on fairly and methodically between the parliament's commissioners and the commissioners of the army.

A proclamation by the general, that his soldiers shall not take horses without warrant, nor compel any where they quarter to give them money; and he granted commissioners to every regiment for martial law. 258

6. Orders for the house to sit early, and for sitting of the committees, and for money for the army, and for dismantling

of garrisons according to former votes, and for money for Ireland.

Eleven members. Colonel Scroop and other officers presented to the house the particular charge of the army against the eleven members, who were sent for, such as could be found, and the charge read unto them.

7. The last day of the term the house adjourned, the speakers being to sit in chancery.

Mr. Bellieur, the French ambassador, was received by the king at Causham.

The first part of the charge of the army against Mr. Hollis was the former business of the lord Savile.

8. A list agreed for judges to ride the summer's circuit, and order for instructions for them.

Militia. The militia of London desired new powers and money from the house, part whereof was assented to, and orders given them for the guards of the house.

The house committed some soldiers for assaulting the person and house of Mr. Pury, one of their members.

The charge against the eleven members put off.

Fairfax. 9. Letters from sir Thomas Fairfax full of respect towards the king, and taking notice of some reports, as if he and his officers were upon some underhand contract with the king, and so to slander their integrities, and endeavour a misunderstanding betwixt the parliament and their army, which their enemies would fain effect, to hinder the settlement of the people's rights; but a good accord between them is their design to preserve.

He declares that they have not done nor shall do any thing which they desire to hide from the parliament and the world, and shall not avow to the faces of their adversaries; their desires to settle the king's rights, he first giving his concurrence to secure the rights of the kingdom, they have already declared publicly.

That since their papers sent in to the parliament several officers were sent to the king, to satisfy him concerning those papers, and some others sent to him about his removes; in which addresses they bargained not nor asked any thing of the king, as to any private interest of their own;

But they endeavoured only the settlement of the public peace and rights of the nation, and assured the king, that

this being done with his concurrence, the rights of his majesty and his family should be provided for, and in the mean time his majesty should find from them all personal civilities and respects, and such freedom as may stand with safety and the trust lying upon them:

That they are no enemies to monarchy and civil government; that upon his majesty's importunity (though with some reluctancy) they did give way for the duke of Richmond and the two chaplains to come to his majesty, as that which they thought reasonable and just, and to make the king less prejudiced against others:

That they conceived, to avoid all harshnesses, and afford all kindnesses to his majesty consisting with the peace and safety of the kingdom, is the most Christian, honourable, and prudent way, and that tender, equitable, and moderate dealing towards his majesty, his family, and party, is the most hopeful course to take away the seeds of war and feuds amongst us and our posterity, and to procure a lasting peace:

And that being settled, with the rights and liberties of the nation, and propagation of the gospel of truth, and they honoured to be instrumental therein, they shall be willing to be dismissed, and be happy to be discharged, not only from military employments, but from all matters of power whatsoever.

In the like letter to the house of lords was a letter from the king to his son the duke of York.

Both houses passed an ordinance for all papists and delinquents to depart the lines of communication.

The house appointed a committee to examine an information concerning listing of men in London.

An ordinance for money for the army, and votes against members sitting in the house not being duly elected and qualified.

10. Both houses passed an ordinance for disbanding soldiers, and their departing out of London.

Votes of the house against tumultuous meetings in the city, and to give power to the militia to prevent them, and to punish the offenders. Tumultuous meetings.

The sheriffs and some of the common-council acquainted the house with letters they received from the army touching the proceedings in the treaty, for which the house gave them thanks.

Eleven members. Debate forenoon and afternoon upon the charge against the eleven members, but nothing concluded thereupon.

Two thousand pounds ordered to colonel Massey in part of his arrears.

Sir John Holland, one of the commissioners with his majesty, came from Causham to Phyllis-court to visit me.

Eleven members. 12. Upon long debate of the charge of the army against the eleven members, the house voted it to be a charge, and gave a week's time for the members to bring in their answers, Mr. Chute, Mr. Glover, Mr. Pryn, and Mr. Hales to be of counsel for them.

The lords desired the commons' concurrence upon a letter from the king to his son the duke of York, that the king's children might go to see him.

Sir Thomas Fairfax wrote to the house to give way to it, and the commons concurred, and that the earl of Northumberland should go with the children to the king, and take care of their return.

Order for the lord-mayor of York to have the charge of Clifford's tower there.

The soldiers in Dublin were in a high mutiny, colonel Jones, the governor, in danger to be killed by them, yet he appeased the mutiny with great courage and stoutness.

Some little defeats were given to the rebels, and sometimes to the English, some of the leading rebels taken prisoners by colonel Coot's forces, twenty-five killed, five hundred cows, a thousand sheep, and two hundred and fifty plough-horses taken.

259 Endeavours were used in Scotland to raise an army there to invade England; several debates about it at Edinburgh, and by the estates, but nothing concluded.

13. The first day of relaxation for scholars and apprentices.

Many apprentices came to the parliament with a petition, which they presented to the commons, set on by their masters and others: their desires were,

Apprentices their petition. 1. That the house, according to promise, take into consideration the several heads of a petition of theirs delivered the fifth of March last.

2. That the authority of parliament, so apparently abused, contrary to right, by those that have of late effected the ejections of men of known fidelity out of places of trust, may be redeemed, and those so expulsed may be restored.

3. That they would declare against all invectives of the clergy.

4. That those who have appealed to this court of justice may have an impartial trial.

5. That the sum of all the endeavours of parliament may tend to the sweet composure of differences.

The petitioners had answer by some members that were citizens, that their petition would be considered in due time: and they were commended for their civil carriage in presenting it. Answer.

Orders for slighting of garrisons. Parliament order.

The lords desired the commons' concurrence to an order for money for the earl of Kildare: the commons rejected it, because the lords had first made the order for money, which was not proper for them to do, but afterwards the commons made a new order for 200*l.* for the earl.

14. A contrary party of the London apprentices came to both houses with a petition.

1. That according to the covenant the king's person may be defended, and his just power in defence of religion and liberties be established. Petition.

2. That the privileges of parliament may be vindicated, and the liberties and property of the subject preserved.

3. That the government of the church may be settled, and conventicles suppressed.

4. That incendiaries, malignants, and evil instruments hindering reformation and raising divisions, may be punished.

5. That obstructions in courts of justice may be removed, and the abuse of committees and their officers considered.

6. That arrears of soldiers may be paid.

7. That the army may be disbanded.

8. Against foreigners being free of London.

Thus each party might frame what matter they pleased into petitions, and have hands to them, and multitudes to present them.

The answer to this petition was, that divers matters thereof were under consideration, and the rest should be considered in due time. Answer.

The lords gave leave for the marquis of Winton to go out of town.

The earl of Clare had his privilege of a peer allowed him.

15. According to a former order of the house, several members of the house brought in their cases stated, touching their elections, and the point of being disabled to sit in the house, and they were referred to a committee.

Major-general Poyntz. Letters from major-general Poyntz, and another from his wife, informed the manner of his imprisonment by his own soldiers, and their seizing of his goods.

The house ordered copies of them to be sent to the general, with directions for the discharge of Poyntz, or sending him up to London, and a letter ordered to the lord-mayor of York to discharge and restore his goods to him.

The king's children went with the earl of Northumberland to Cawsham to see their father.

16. Orders touching supplies and managing the forces in Ireland.

A proposition for the earl of Ormond to transport five thousand five hundred men out of Ireland was denied by the house.

Ormond. Orders for pay and disbanding of forces come off from the army.

King's children. The king's children coming to Causham to meet their father, great numbers of people flocked thither to see them, and strewed the ways with green boughs and herbs. After dinner, at Maidenhead, the king and his children went together to Causham.

17. Vote, that all the forces in England and Wales, &c. be Fairfax. under the immediate command of sir Thomas Fairfax, and for disbanding of divers forces.

Order for putting reformados out of the line, and about money for the army.

Eleven members. 19. The eleven members in person presented to the house an answer, by way of demurrer, to the charge of sir Thomas Fairfax and the army against them, which was for the present laid aside.

Mr. Chute and Mr. Newdigate told me that they being of counsel with Mr. Hollis and the rest of the eleven members, they caused my name to be struck out of their answer, for which I thanked them.

Votes for divers garrisons to be slighted, and the deputy lieutenants to see it done.

Bristol-castle and the great fort at Caernarvon to be continued, the keys of the garrison to be delivered to the mayors of the corporations, to be governed as formerly.

Leave given to lawyers to go the circuits.

Upon information to colonel Birch of some distempers in his regiment, ordered that the general send him away for Ireland. Colonel Birch.

The assembly in Scotland debated about a declaration concerning the affairs of England, relating to the king, the parliament, and army.

Letters from Ireland informed the taking of eight or nine thousand cattle from the rebels, but they by a stratagem killed betwixt thirty or forty of the parliament's forces; and that they are forced, for want of bread and money, to leave the field, and retire into the garrisons. Ireland.

A design to surprise Dublin discovered and prevented, and the actors apprehended.

20. Upon a message from the eleven members, of their desires to absent themselves for six months, that in the mean time the great affairs of the kingdom, mentioned by the army, might be settled without any interruption from their lesser business; Eleven members.

The house voted, that they, or any of them, should have leave and passes to go into the country or beyond sea for six months, and then to return to the parliament, to attend concerning the charge against them.

Upon information that a multitude of people were coming up to the doors of the house in a tumultuous manner, 260 Tumults.

The house ordered that the guards do disperse them;

And that the sergeant-at-arms acquaint them that it was the pleasure of the house that they remove themselves:

That an hundred halberts be brought into the house for their service:

That the militia order the guards constantly to suppress such disturbers of the house, and that colonel Webbe see the guards daily placed.

Letters from the commissioners of the army with these new proposals from the army: Army.

1. That a declaration be published against the bringing in of any foreign forces. New propo-sals.

2. That the army be paid up equal with the deserters of it, and a constant course of pay for them; and that the lords do concur with the commons for renewing the committee of the army, that the arrears may be collected, and the treasurers may be called to an account.

3. That the militia of London may be in the former hands, faithful to the parliament and kingdom.

4. That persons imprisoned (not for delinquency but other matters) by the houses of parliament or their committees may be released, or bailed till trial, particularly lieutenant-colonel Lilburne and Mr. Overton.

21. Order to examine abuses in distributing moneys to the officers and soldiers; and for an account about putting them out of the lines of communication.

The lords' concurrence desired for disbanding those that came off from the army.

Order for money for maimed soldiers.

Colonel Jones marching out from Dublin was set upon by Preston, with double his number, and his men forced to retreat.

Order, that sir Thomas Fairfax take some speedy course for sending forces into Ireland.

Sir Thomas Fairfax removed his quarters to Aylesbury, and the king to Woburne in Bedfordshire.

Vote. 22. Vote upon the army's proposals:

That whosoever shall bring in any foreign forces, without consent of both houses, are traitors.

A petition of divers ministers to the lords that their tithes may be paid. They ordered moneys for one of Plymouth, and for the lord Inchequin's forces; and sent to the commons for their concurrence.

Petition. Petitions from several wards of London, that their captains, being faithful men, were put out by the new militia.

Vote. Vote, that the militia of London be put into the old hands again.

Order, that the general consider how the charge of the forces here may be lessened, and the service of Ireland advanced.

A petition and engagement of dangerous consequence, of divers officers, citizens, watermen, and seamen, was brought

to the house, and they referred it to a committee to find out the authors, and a declaration to be drawn up against it.

Ordinance passed for Dr. Walker to be judge of the admiralty.

The commissioners sent another proposal of the army to the house, for discharge of persons imprisoned or indicted under pretence of being at conventicles or other religious meetings, the statute against them intending meetings of conspiracy against the state, and not for religious exercises. Conventicles.

23. An ordinance committed for putting the militia of London into the old commissioners' hands, and a declaration upon the petition now in the city; and the committee ordered to report them in the afternoon. And then the ordinance for the militia passed both houses; and the old commissioners were ordered to meet this night, and to take order for the security of the city and parliament. Militia.

I met Mr. Pierpoint at the countess of Kent's, where, before supper, Mr. Selden told me that he intended to be beholden to me after his death, and shewed me a place in his study where he would leave some papers declaring his intent and will.

24. An ordinance passed both houses for the payment of tithes.

Order to burn a pamphlet of Paul Best's, and the printers to be punished.

Both houses agreed the declaration against the petition and engagement on foot in the city.

Upon notice to the general of a private engagement and subscription in London, and an agitation at Skinners'-hall against the army, a paper was drawn up by the general and his council of war, and sent to the parliament's and city's commissioners, of their deep sense of that underhand design, as the last and desperate design to put all into confusion; they desired the commissioners of the city to repair to London, to take care to prevent the working of these or any such like underminings, and they went presently to London. Army.

The general published a proclamation against entertaining of cavaliers in the army.

The head-quarters removed to Bedford, and the king to Latimers.

26. Votes touching elections, and about satisfying some officers' arrears.

The commons agreed with the lords about removing the king's children to Sion-house.

London petition. A petition from the lord-mayor, aldermen, and common-council of London, almost reproaching the house for passing the late ordinance to put the militia of the city into the hands of the old commissioners, and to put out the new commissioners, without first taking the sense of that court about it:

And being sensible of two petitions to them, one from divers well-affected citizens, the other from divers young men and apprentices, what a general distemper this sudden change hath made in the city, they pray that the militia may be put into the hands of the new commissioners again.

Apprentices. Many young men and apprentices of London came to the house in a most rude and tumultuous way, and presented to them some particular desires:

1. That the ordinance for change of the militia of London be repealed.

2. That the city may be vindicated against a late pretended declaration, those that are traitors who shall act to get subscriptions, and that it may be revoked.

3. That all the members of the house, particularly the eleven members, may be called into the house, and act as a free parliament.

Force upon the parliament. The apprentices, and many other rude boys and mean fellows among them, came into the house of commons, and kept the
261 door open, and their hats on, and called out as they stood, *Vote, vote,* and in this arrogant posture stood till the votes passed in that way, to repeal the ordinance for change of the militia, and the declaration. In the evening about seven o'clock some of the common-council came down to the house, and understanding that they had in their presence forced the speaker and the members to put the question, and pass the votes they required, now, so much of their work being done, they that put their apprentices upon it ordered them to disperse themselves again, and they presently obeyed the orders of their masters.

27. Here we may observe an instance of the highest insolence in the rabble and of popular madness that can be met with in any other story; and herein also a strange providence of God, when the differences betwixt the parliament and army were so near breaking forth into a new war, that

this grand design to foment it should be ordered by God to the reconciling of it, as will appear by that which follows.

Such popular tumultuary actions seldom prosper.

Both houses met early, and adjourned till the thirtieth of this month.

The assembly of the kirk of Scotland ordered a public fast,

1. To lament the growth of wickedness.

2. By reason of the pestilence.

3. For the danger to religion and reformation by the sectaries in England, and that the covenant may be kept.

4. That God would incline the king's heart to avoid new snares, and to such resolutions as will contribute to the settling of religion and righteousness.

5. That the parliament of England and the synod of divines may do their duty.

6. For the committee of estates, that they may discern what is fittest to be done for securing that kingdom and encouraging their brethren.

7. That God would grant to all his grace to repent, that he may remove his wrath from us.

28. The monthly fast.

The common-council of London sat in the morning, and again after the sermons; then they received a letter from sir Thomas Fairfax, of his affection to the city, and his dislike of the late petition, and of the means to procure it. Fairfax.

Divers young men then attended them, to express their readiness to stand up for the privileges of the city, and to defend them against all opposers.

The common-council sent a letter and commissioners to the general, declaring their inclinableness to peace; entreating his excellency that the army might not advance this way, nor intermeddle with the rights and privileges of the city; City.

Conceiving that their strengthening of the city for the preservation thereof was no just cause to provoke the soldiery: and as for the petition, the parliament had already declared their sense thereof, and it had never been formally presented to them.

29. Militia of London ordered that no persons should disturb the parliament; and if any did, the commander of the guards should prosecute his commission to kill and slay, &c. Militia.

Army. Upon intelligence that the army was advancing, orders were given for the trained-bands to go to the works, and for raising auxiliaries, and all to come the next morning who were able to bear arms: all this part of the action, and that

Eleven members. which follows, was contrived and directed by the eleven members and their friends.

Col. Jones. Colonel Jones marching into the rebels' country was by them overpowered, six for one, yet made a gallant retreat, losing only two officers and about ten soldiers, and killed divers of the rebels.

30. According to the adjournment, some members met in either house, but the speakers came not; and after some expectation the lords chose the lord Grey, and the commons then present chose Mr. Pelham, to be speaker *pro tempore;* and Mr. sergeant Birkhead not appearing, they put Mr. Norfolk into his place: he made use of the city mace, the other being carried away; and the sergeant coming afterwards to offer his service was not admitted.

Then the house proceeded to vote,

Votes. 1. That the king should come to London.

2. That the militia of the city have power to raise such forces as they shall think fit for defence of the city.

3. That they may choose a commander-in-chief to be approved by the house, and he to choose officers to be approved by the militia.

The sheriff and common-council, who attended the house this morning, returned to the city, and a common-council in the afternoon chose major-general Massey to command in chief their forces.

Militia. The militia ordered all the reformados, officers, &c. to appear to-morrow in St. James's fields, and the forces to be put into regiments.

Fairfax. A letter from sir Thomas Fairfax to the lord mayor, aldermen, and common-council, to this effect:

Mentioning the army's compliance with their former desire to remove to this distance, and the assurance given them by the city of their concurrence for the settlement of peace and liberty, against which they never offered one objection or ground of dissent, and their resolution to secure the parliament and their privileges from any violence or attempt, the reason given by the city for their late listing of new forces:

That upon this confidence the army was disposed into several parts for the ease of the kingdom, to above one hundred and ten miles distance, and had given up themselves to their proposals for a comfortable settlement, and were in a hopeful way for the relief of Ireland:

That the army cannot but be deeply sensible of the unparalleled violation acted upon the parliament on Monday last by a multitude from the city, because therein the guards sent from the city did not only neglect their duty for security of the parliament from such violence, and the whole city to yield any relief to the houses in that extremity, but they are assured from eye and ear-witnesses that divers of the common-council gave great encouragement to it;

Which doth not only gainsay their former professions, but does violence to those many obligations that by their charter, protestation, and sundry other ways, lie upon them to protect the parliament.

That he cannot but look upon them who are in authority as accountable to the kingdom for the interruption of the hopeful way of peace and settlement for this nation, and for reliev- 262
ing Ireland, occasioned by the late destructive engagements, especially by the latter horrid and prodigious force done upon the parliament, tending to dissolve all government.

Upon which score the army and the whole kingdom shall have cause to put every thing of the like nature that may happen to the parliament, or to any who are friends to them and to the army, except by the wisdom, care, and industry of the city the chief actors may be detected, secured, and given up to justice, and the best endeavour used to prevent the like for the future.

31. The lords desired the commons' concurrence for removal of the king's children into London for their security. King's children.

There was a great appearance of reformados, officers, &c. in St. James's fields, and order was given for staying and listing of horses in the city, and that all the shops should be shut up.

A declaration was published, in the name of the speaker Lenthal. Lenthal, of the reasons why he absented himself from the house.

The army, after a hard march, lodged the last night at Uxbridge: letters from them certified, that the general was

tender of the city, but laying to heart those unparalleled passages on Monday last at Westminster, he is sensible of his obligations to the parliament. That the army are resolved, what other neglect soever hath been for their security, yet, as God shall enable them, they will use their best endeavours for preservation of the parliament from violence.

Army.

One of the three blockhouses at Gravesend was secured by a party of the army.

Most of the eleven members sat in the house; and in the afternoon major-general Massey, sir William Waller, and lieutenant-general Poyntz listed the reformados.

The city published their declaration, mentioning the army's surprising of the king at Holmby, and denied his residence nearer London than their quarters; that the city have endeavoured the settlement of the kingdom, relief of Ireland, ease of their fellow-subjects, and a good understanding between themselves and the army:

That the privileges of parliament have been violated by the army's causing the eleven members to withdraw, and the militia of London now demanded, which had been established by ordinance, and is subject to no other cognizance but of the king and parliament:

That they desire nothing more than that his majesty may be in a free and honourable condition and capacity, and whilst he is environed by an army, and under their power, he can neither freely grant, nor will there be hope to enjoy what he grants in this condition:

That they are resolved earnestly, yet with humility, to apply themselves to the parliament to this purpose, and hope that all good subjects who are touched with any sense of that duty and allegiance which by the law of God and man they owe unto their king, will unanimously join with them therein.

They state the difference between them and the army to be,

That they could not submit the militia of the city to be altered at the will of the army, after it had been so orderly settled in the hands of such as were intrusted therewith for one whole year, when there was a full and free parliament:

That they desire a happy and speedy peace by the settlement of true religion in this kingdom, and by reestablishing

his majesty in his just rights and authority, by upholding all lawful privileges of a free parliament, by maintaining the fundamental laws of the land, by restoring and securing the subject unto and in his just liberty and property, and by freeing this long oppressed kingdom from all taxes and enforced free quarter towards the maintenance of an army, which for a long time hath had no visible enemy to encounter.

Both houses declared, that the ordinance that puts under the command of sir Thomas Fairfax all the land-forces doth not give him any power over the trained-bands, garrisons, &c.: this order to be printed and published in London by sound of trumpet, and the sheriffs to publish it in their several limits.

I was very busy about my clients' causes, and had great encouragement in my practice, my clients very many, notwithstanding the many diversions and interruptions I met with by public employment.

August 1647.

2. Divers officers of the trained-bands in Southwark entreated the common-council that they might not go forth in an hostile manner under any command, but such as should be approved of by the generality of that borough, and that they might be left to defend themselves, and stand on their own guard; and a petition was presented to the common-council in the name of many thousands of well-affected citizens, praying that some means may be used for a composure, &c. Southwark.

At which time general Poyntz, with some other officers of the new list attending for orders of the militia, came into Guildhall-yard amongst the petitioners, and cruelly hacked and hewed many of them, and some were mortally wounded, and died afterwards, and the petitioners were forced to fly.

Some in the common-council declared the danger of a new war; they sat till nine at night, only agreeing to send a letter to sir Thomas Fairfax the next day.

The army quartered at Colnebrooke, and the king at Stoke-Abby.

The earls of Warwick, Manchester, &c. sent to the general to acquaint him that they had quitted the parliament, for that there was no free sitting for them, and they cast themselves into his protection. Fairfax.

The lord Say and divers other lords and members of the house of commons came to the general to the head-quarters, desiring to be protected by him.

Petition. A petition from the county of Devon to the general against arbitrary power and corrupt officers, and oppression of those who have served the parliament, and malignants set up; against undue elections of burgesses who are strong in wine and weak in wisdom.

They pray his excellency to endeavour a settlement, and prevent a new war, and not to give over till the nation be secured; and they will engage with him herein.

This morning the trials were all despatched at Abington: there were put in thirty-four records, and I was retained in thirty-nine causes.

263 3. The common-council sent commissioners and a letter to
The city. the general to Colnebrook, mentioning that they received no answer to their two last letters, but would leave no means to prevent a new war, desire him and his council of war to hear their commissioners.

A declaration of the army was given to those commissioners of the grounds of their advance towards London, and a copy of the proposals of the army.

Rendezvous. A general rendezvous was at Hounslow-heath of twenty thousand horse and foot, and a great train of artillery, which the London commissioners viewed, and so returned to the city.

At this rendezvous were present the earls of Northumberland, Salisbury, Kent, the lord Grey of Warke, lord Howard, the lord Wharton, lord Say, and lord Mulgrave, and others, about fourteen lords, the speaker, and about an hundred members of the house of commons.

The army was drawn up in battalia with reserves, the general accompanied with the lords and commons, and other gentlemen, rode along, and took a view of the army, from regiment to regiment, who received them with great acclamation of the soldiers, crying, *Lords and commons, and a free parliament.* Having gone to them all, then they left the general.

Prince elector. The prince elector came and viewed the army, and the general received him with great respect.

Southwark. Information to the general that Southwark disliked the

proceedings of London against the army, and desired assistance from the general, who sent colonel Rainsborough's brigade towards them; the rest of the army drew off, and the head-quarters were at Thistleworth.

General Massey sent out scouts to Brentford, but ten of the army beat thirty of his, and took a colour from a party of the city.

The city militia and common-council sat late, and a great number of people attended at Guildhall. When a scout came in, and brought news that the army made a halt, or other good intelligence, they cry, *One and all!* But if the scouts brought intelligence that the army advanced nearer to them, then they would cry as loud, *Treat, treat, treat!* and so spent most part of the night: at last they agreed to send to the general an humble letter, beseeching him that there might be a way of composure. City.

The general made a proclamation that no soldier should go to London on pain of death.

A pass for sir Robert Pye to go beyond sea.

4. Letters from Scotland informed, that by order of the clergy, upon danger to religion in England and Scotland, a general fast was kept, to pray to God to enable them to be helpful to England.

That the clergy out of their pulpits moved the people to take up arms.

Letters from the city to the general; Letters to Fairfax.

That they received his excellency's declaration, and observed one of the motives of his advancing near London was to bring home the members of both houses, who retired because of the late tumults; that they join with his excellency therein; and that all parts shall be open for him and them to be conducted to both houses of parliament; and will take the advice of parliament what forces of the city shall be continued, and submit all matters to be determined by both houses, when they shall sit in safety:

That they have recalled their late declaration, and hope his excellency will withhold his soldiers from doing any prejudice to the city.

About two o'clock in the morning colonel Rainsborough's brigade marched into Southwark without any opposition, the soldiers carrying themselves very civilly, and finding the gates Col. Rainsborough.

shut, and the portcullis let down at the bridge, and a guard within, they planted two pieces of ordnance against the gate, and set a guard without, and in a short time after the great fort was yielded to them.

The commissioners of the city returned from the army to the common-council with the general's demands to have the forts on the west side of London delivered up to him; that security being given, he would bring the members of both houses who were forced from the parliament to Westminster, to sit in a free house; and of this, answer was to be returned to the general by twelve o'clock at night.

The common-council after a full debate sent a letter to his excellency;

That they had consented to his proposal, to manifest their compliance; and have directed the militia for drawing off all forces and ordnance; to which work they now apply themselves, and will give orders for quitting the forts on Southwark side, and next under God will rely upon his excellency's honourable word for safety, and to be protected from all violence of the soldiery.

Letters came from the king to the general, wherein he acquits himself of the great scandal cast upon him concerning the late tumults, which he disclaims and dislikes, and desires rather to rely upon his excellency and the army.

The trials at Oxford ended this forenoon.

The records entered at Oxford were fifty-one, and I was retained in fifty causes. The judges hastened out of town, and after dinner the lawyers went to Burford, twelve miles from Oxford, and lay there this night. It was now my turn, being most ancient of all the lawyers who rode this circuit, in the circuit to be (as they styled me in these times of war) their general; I was to appoint their quarters, and my opinion swayed in our private affairs.

5. Two regiments of the trained-bands of Hertfordshire offered to attend the general, but he dismissed them with thanks.

The general removed his quarters nearer London, to Hammersmith, where the commissioners of the city met him, and acquainted him that the city were well satisfied with what he had required, and accordingly had quitted the forts unto his forces, who now had the guards of them, and they desired

an answer of their last letter, which the general returned to this effect:

Fairfax's answer.

That he was glad to find their ready compliance to his desires, and had ordered three regiments of foot and two of horse to possess the forts they mentioned, and to lie thereabouts, till he with the rest of the army came to Hammersmith, in order to the security of the lords and commons, who he supposed to-morrow would sit in the parliament.

That with freedom they may sit to discharge their trusts, hath been the cause of his advance nearer London, and he is confident nothing shall pass from the army but what shall be for the safety of the city.

And he doubts not, though some disaffected persons to the peace of the kingdom have endeavoured to beget a misunderstanding between the army and the city, hoping thereby to embroil the kingdom in new troubles, yet that the army will so behave themselves as to witness to the world the integrity of their hearts, in having no other design but the quiet and happy settlement of a firm and lasting peace, wherein the kingdom and city will have cause to rejoice, and 264
your most humble servant,

THOMAS FAIRFAX.

6. In the morning, the members of parliament who were driven out by the tumults at Westminster met with the general at the earl of Holland's house at Kensington, and subscribed a declaration of the army, and another of their approving and joining with the army in their last proceedings, making null the acts passed by the members since the 26th of July last.

Fairfax enters Westminster.

Afterwards the general, with the lords, and the speaker, and members of the house of commons, and many other gentlemen, marched towards Westminster, a guard of soldiers three deep from the place: at Hyde Park, the lord-mayor and aldermen met the general, to congratulate the fair composure between the army and the city; and after some ceremonies they marched toward Westminster in this order:

First, colonel Hammond's regiment of foot, then colonel Rich, and Cromwell's regiment of horse, then the general on horseback with his lifeguard, then the speakers, and members of the lords and commons in coaches, and Tomlinson's regiment of horse brought up the rearguard: the general was accompanied with many officers, and gentlemen that

rode with him, and every soldier had a branch of laurel in his hat.

As they passed by Charing-cross, the common-council of London, who stood there, saluted them, and in the new palace-yard at Westminster the general alighted, and the lords and commons and they went to their several houses.

Ordinances. The lords passed an ordinance, and the commons concurred, to make sir Thomas Fairfax lieutenant or constable of the Tower of London, and another for a day of thanksgiving to God for restoring the members to their just privileges without the effusion of blood, and so far the settlement of peace.

The commissioners made a report of their transactions with the army, and had the thanks of the house for their good service.

Sir Thomas Fairfax was sent for to the lords' house, and had their thanks for his good service in restoring the members of parliament, and was afterwards sent for to the house of commons, and with much importunity sat down in a chair there placed for him, and the speaker gave him the thanks of the house for his great and faithful services, and in particular for restoring the members of both houses to their former freedom and privileges.

The commons ordered a month's pay for all the non-commissioned officers and private soldiers, as a gratuity for their service in restoring the members.

A committee was named to find out the chief actors, abettors, and countenancers of the late tumults, and design in forcing the members from the parliament, and to raise a new war.

Debate of an ordinance sent from the lords for making void all acts done by some lords and gentlemen, members of both houses at Westminster, since the twenty-sixth of July, when the speaker and members were scattered away by the tumults.

March through London. 7. The houses sat not, but the general and army, horse and foot, and a gallant train of artillery, marched through the city of London, yet in so civil and orderly a manner, that not the least offence or prejudice was offered by them to any man, either in words, action, or gestures, as they marched, which confuted the surmises of some of their enemies, that

the design of the soldiers was to plunder this rich city: the general quartered at Croydon, and the army in Kent and Essex near him.

9. The lords desired the commons' concurrence to the ordinance for making void all acts done by the members at Westminster from July 26 to August 6, and to the declaration for vindication of the army.

The house in a grand committee debated all day the ordinance for making null those acts, and upon the question it was carried by two votes, that the votes so forced from the houses are not to be made void, but by a repeal. Debate.

Both houses passed an additional ordinance for payment of tithes, &c. to such ministers as are or shall be put into any livings by the parliament.

Sir Thomas Fairfax took possession of the Tower according to the votes of parliament, attended by many commanders, and other gentlemen, his lifeguard, and part of colonel Pride's regiment of foot, and the city guard that was there marched out. The Tower.

In the afternoon a committee from the lord-mayor, aldermen, and common-council came to the Tower to the general, and alderman Gibbes made a speech to him, to give his excellency and his army thanks for their love and care of the city of London; and after compliments, recommended to his excellency the faithfulness and care of colonel West, lieutenant of the Tower, and concluded with an invitation of the general and his officers to dinner to the city.

The general returned thanks for their expressions of love to him, and care of the peace of the kingdom, and said, that for lieutenant of the Tower he had appointed a gentleman of worth and fidelity dwelling among them, colonel Tichburne, to have that charge; that he would acquaint his officers with their kind invitation, and desired that all may labour and study for unity and peace. Fairfax.

After this, the general viewed the stores, and gave some orders to the lieutenant, and 20*l.* to the warders and officers.

10. The lords desired the concurrence of the commons to the declaration of sir Thomas Fairfax and the army, mentioning the grounds of their coming up to London with the army, and after a long debate it was upon the question laid aside for that time. Debate.

Great seal. Both houses passed an ordinance for the continuing the two speakers commissioners of the great seal for a month longer.

Order, that the 25,000*l.* stayed by the apprentices, and sent to the Tower, should be sent for the service of Ireland, and sir Thomas Fairfax to send a convoy with it to the sea-side.

City. Two aldermen and four commoners attended the general for his answer to their invitation, which he excused, that he could not accept, because of the many and great affairs touching the settlement of the kingdom wherewith he and his officers were at present taken up, and returned thanks to the city.

They were preparing a bason and ewer of gold of the value of about 1000*l.* for a present to the general.

Scotland. Letters from Berwick, that pulpits in Scotland urge the necessity of that kingdom to maintain the ends of the covenant against all violation, and that many soldiers are entertained there, and letters from colonel Lambert mention their preparations.

265 The records put in at Gloucester were seventy-seven, and I was retained in thirty-five.

Expedient. 11. The lords sent again to the commons for their concurrence to the declaration of sir Thomas Fairfax and the army, and for nulling the forced votes; and after a long debate, the commons agreed upon an expedient, and referred it to a committee to be drawn up, for nulling the forced votes by a repeal, yet so as the fomenters of that force and the mutineers might be proceeded against.

Mr. Brittan of London sent for, to answer abusive speeches against captain Brain of Southwark for assisting sir Thomas Fairfax, and an order of thanks and indemnity passed both

Southwark. houses for those of Southwark; the like orders passed for the committee and forces of Hertfordshire, and for colonel Blunt and his forces in Kent.

Orders for a committee to inquire what arms &c. have been taken out of the public stores in the late tumult, and to have them restored. And for 100*l.* for the poor visited people in Westminster, and for suppressing of stage-plays, bull-baitings, dancing on the ropes, &c.

Fairfax. Upon a complaint to the general and his council of war at

Kingston, that members of parliament and other rich men were exempted from quartering of soldiers, and the poorer sort thereby oppressed, the general and his council of war made an order to take off those exemptions, and that all alike should bear the burden equally.

Some gentlemen out of South Wales came to the general, declaring the good affections of those countries, and readiness to join with the general and army. Petitions to him.

The brewers of London petitioned the general to be a means to take off the excise of beer and ale from them.

12. The thanksgiving-day kept by both houses together.

Divers reformed officers, who disclaimed having any hand in the late tumult, petitioned the general that he would be a means they might have part of their arrears.

Certain ministers petitioned the general, complaining that divers delinquent ministers, who were put out of their livings, do now trouble and seek to out those ministers whom the parliament put in, and particularly that Dr. Layfield counterfeited a warrant from the general to remove a minister from his living in Surrey, into which he was placed by the parliament.

The general and council of war declared their dislike of the proceedings, and to clear themselves therein, and to endeavour to bring such offenders to punishment.

13. Reference to a committee to consider of a gratuity for Mr. Marshall and for Mr. Nye, for their pains as ministers to the parliament, and their attendance of the commissioners in the army.

The lords desired the commons' concurrence to a declaration, that the commissioners of the militia of London, now acting upon a forced ordinance, called the apprentices' ordinance, did act unwarrantably; but upon the question it was laid aside. Apprentices' ordinance.

But they concurred to another ordinance, to appoint a committee of lords and commons to examine the force put upon the houses by the apprentices and malignants, July 26, and the chief actors in it, some whereof were apprehended.

The lords desired the concurrence of the commons in approving the declaration subscribed by the lords and commons who absented themselves by reason of the late violence upon the houses.

An ordinance was sent up to the lords for vindication of the army.

And another, for making null all the acts from July 26 to August 6.

Colonel Jones. Letters from Ireland certified a very great defeat given by colonel Jones to the rebels near Trimme, with a list of those killed and taken, viz.

Victory in Ireland. Lieutenant-general Burne, colonel Plunket, earl of Fingale, colonel Butler, colonel Waring, colonel Eynod, earl of Westmeath, lieutenant-colonel Rochford, Preston's son killed, forty officers taken, three hundred foot left to the mercy of the horse, seven thousand foot-arms taken, three hundred of the gentry killed, one hundred and fifty oxen taken, three thousand foot killed, four pieces of ordnance taken, great pillage, and Preston's cabinet of papers.

Ormond. The marquis of Ormond and lord Roscommon came into England, and had a ticket to reside near Gloucester.

14. The house gave 50*l.* to the messenger that brought the good news from Ireland, and ordered 25,000*l.* more for the forces there, and thanks to the commissioners.

Upon a report by the commissioners in the army of their proceedings, the house approved them, and gave their commissioners thanks.

Upon a letter from the general, orders for some maintenance for the king's servants who were not in arms against the parliament.

Order for 1500*l.* for the garrison of Lynne.

An ordinance committed for taking away the jurisdiction of the county palatine of Durham.

The king removed to Oatlands, and sir Thomas Fairfax quartered at Kingston.

Assizes. The judges sat at Hereford, but the people came not in, so that there was but little to do either for judges or lawyers; and the judges, especially Clerk, were very froward upon it.

Colonel Lambert. 16. The houses sat not. Letters from the north informed that colonel Lambert in a speech to the forces there acquainted them, that he was sent by his excellency to take upon him the charge and conduct of the forces in that northern association, and hoped to find their ready concurrence with him, but he was answered only with silence:

That they met at a general rendezvous, about five thousand

of them, and there again colonel Lambert made a speech to them to the effect as before; and that his excellency had taken equal care of them for their pay as for the rest of his army; that he was sent down to command them by the general, not of his own seeking, or for private interest, and desired their compliance; then they gave him a loud acclamation, and had orders to go to their several quarters.

The news of the parliament's being restored by the army, and the city of London agreeing with the army, hindered the intended proceedings of the estates of Scotland.

I was full of business at the assizes at Hereford.

Great resort was from London to the king at Oatlands. Oatlands.

17. Upon the question, it was carried in the negative by three votes, that the declaration should not pass that the proceedings in the house from July 26 to August 6 were forced, and that sitting not to be a free parliament.

A petition and congratulation was presented to the general Petition.
of many thousand young men and apprentices of London, for his great services to the kingdom and city, which they acknowledge with thankfulness, and as they refused to comply with those who lately acted against the army, so they 266
resolved to live and die with his excellency and the army in settling his majesty's rights, the parliament's privileges, and the peace and freedom of the nation.

To this the general gave a respectful and grateful answer.

The council of war sat close about a declaration of their proceedings in behalf of the parliament, the kingdom, and themselves.

The records put in at Hereford to be tried were forty-eight, and I was retained in twenty-nine causes.

18. Order for a day of thanksgiving for the great success in Ireland, and for 1000*l.* for colonel Jones, 1000*l.* to colonel Fenwick, and other gratuities to other officers in this service, and for supplies for Ireland.

Upon a letter from Mr. Nichols, one of the eleven mem- Eleven members.
bers, now under restraint in the army, order to the general to discharge him, or send him up to the parliament for his trial.

A complaint by letters from the Scots commissioners, for breach of the union in staying Mr. Chieseley their secretary at Newcastle; the copy hereof sent to the general, and that he give order for Mr. Chieseley's release.

Army remonstrance.

19. Letters from the general to both houses with the remonstrance of the army touching their late proceedings, and chiefly driving at the purging of the parliament, by expunging such members as did act and vote in the time that the speakers and the rest were forced from the house.

The house of lords approved of this remonstrance, and voted a letter of thanks to the general, and to signify to him that they would take care for the punishment of those delinquent ministers and others, by whose practices ministers put into livings by the parliament had been disquieted and outed; in which the commons concurred, but did nothing now upon the great remonstrance.

The examination of colonel Ennis, who sought to go beyond sea under another name, referred to a committee.

Order for 8000*l.* for Plymouth garrison, and to treat with the general about the lessening of the charge.

20. Order for a collection for the poor English Irish here, and for 100*l.* for the poor visited people in St. Martin's parish, and for a general contribution for the visited city of Chester, and an ordinance for 20,000*l.* for Ireland.

Mr. Strickland had leave to come to England.

Upon another debate, the ordinance passed for declaring all votes, orders, and ordinances passed in one or both houses since the force on both houses, July 26 until August 6, 1647, to be null and void.

The judges sat early for the trials at Shrewsbury, and I was wearied with very much business, and glad of it.

21. Upon a letter from sir Thomas Fairfax, order for 30*l.* a week for sick and wounded soldiers, 4*s.* 8*d.* a week for each of them, and an ordinance passed for judges and justices to put it in execution.

Order for a month's pay for the army to be borrowed of the city.

Upon a report touching the late tumults, order that the lord-mayor and aldermen do call a common-council by Tuesday next; and that the clerk who attended the committee of the militia and of the safety do deliver over the books, papers, and warrants in his hands, or be committed to the sergeant.

Eleven members.

Mr. Hollis, sir Philip Stapleton, sir William Waller, sir William Lewys, sir John Clotworthy, and Mr. Long, being in

a vessel going towards Calais, were pursued by a frigate of the parliament, and taken within six miles of Calais, and by their desire brought back to captain Batten, who dismissed them to their voyage again, and chid those that apprehended them.

The high sheriff entertained the judges and lawyers very nobly at Shrewsbury.

Colonel Mackworth, who was the governor of Shrewsbury, is a gentleman of an ancient family in those parts, a sober, discreet man, and a very good lawyer; he was in the greatest practice at this assizes of any man, and after the assizes ended put off his gown and accompanied me to the castle, where he was in the posture of governor, and showed all his fortifications and stores.

The records here put in were seventy-five, and I was retained in thirty-eight causes.

23. The ordinance passed both houses for relief of ministers put into livings by the parliament.

Another, for a collection for the poor visited persons in Chester, and an additional ordinance concerning the sale of bishops' lands.

A false alarm of Scots forces being upon the borders.

Letters from Ireland informed that the lord Inchequin had taken divers castles from the rebels in the county of Limerick: Ireland.

That he defeated a troop of the rebels near Ballinggarry, slew twenty-three of them, and took the rest:

That he beat the rebels from a pass near Limerick, and killed about an hundred of them, and took two hundred horses and two hundred cows, and took in Newcastle within a mile of Limerick; some of his forces got over the river Shannon, and got eight thousand head of cattle and five thousand sheep, and struck such a terror into the rebels that they burnt the earl of Thomond's castle, Bonratty, which they had garrisoned, and fled away:

That they took in Grace-castle, and put all the rebels there to the sword, and took eight hundred head of cattle and garrons.

They stormed and burnt the abbey of Adare, where four friars were burned, and three taken; they took Fox's-castle, and put all in it to death.

Eleven members.

24. A letter from the general touching Mr. Anthony Nichols, one of the eleven members sent up prisoner, with the grounds of his detainment by the army, and a further accusation of high treason against him.

Ordered, that he be continued in safe custody; but he escaped from Denham, one of the sergeant's deputies, in whose custody he was.

Denham being examined concerning the escape, confessed that he took Mr. Nichols's word as a gentleman to be a true prisoner, but he brake his word and escaped.

The house committed Denham, and ordered all the ports to be stopped for the apprehending of Mr. Nichols, and revoked the pass formerly granted to Mr. Nichols.

Upon a report by Mr. Corbet touching the force upon the parliament and commitment of some of the offenders, the house approved of their commitment, and ordered an impeachment of high treason to be brought in against colonel Chapman and lieutenant-colonel Baines, and of high misdemeanour against colonel Vaughan.

267 Brewers.

A petition from the brewers to take off the excise of beer and ale. They were told, if they paid not the excise by a day they should be distrained to pay.

City.

The common-council excused themselves that they could not advance a month's pay by way of loan for the army.

The king came to Sion, and dined with his children, and removed to Hampton-court.

News of the sudden death of sir Philip Stapleton at Calais of the plague.

25. The monthly fast-day.

26. Orders for a new election, and about the excise, and an ordinance passed to make Mr. Langley master of Pembroke college in Oxford.

Referred to a committee to consider what is fit to be done for the security of the parliament when the army shall withdraw.

A petition of many citizens in behalf of Lilburne referred to the committee, where Mr. Martin had the chair.

Order to put off all private business for ten days.

In respect of the danger of infection, the general was desired to give command to the guards attending the house to

keep the passages from clamorous women, and to suffer none to disturb the house.

27. The alterations in the propositions for peace, sent from the lords to the commons, were, with some other alterations made by the commons, agreed unto, and returned to the lords again, who concurred in them, and they were ordered to be communicated to the Scots commissioners.

Debate touching the election of Mr. D'Oyley, the house not satisfied but that he was within the rule of those who, by adhering to the king's party, were uncapable to sit in parliament.

28. Letters from the general to the house, that upon consideration of the present advantage that may be made (through the goodness of God) of the late success of their forces in Ireland, upon advice with his council of war, he finds that there will be in readiness six thousand foot and two thousand horse, if they may have encouragement for the service of Ireland. Fairfax.

He desires an effectual course may be taken for moneys and necessaries, and to remove obstructions, and saith he hath appointed a certain number of officers to wait upon such as the house shall appoint, to consult upon the whole business.

The general removed his quarters to Putney, and his army into larger quarters, and further than before from London.

The parliament's commissioners went to the army, and had conference with the general and his council of war touching the sending of forces into Ireland; and the general consulted about putting a guard of citizens into the Tower, and for guards for the parliament.

The old commissioners of the militia of London met again.

The common-council sat about an ordinance to be passed for calling in of clipped money.

Colonel Layton was committed prisoner by the general: sir Robert Pye, taken prisoner by some of the army, was released again by the general.

30. The houses sat not; but the committee proceeded in the examination of the business touching the late force put upon the parliament.

An ordinance passed both houses for establishing the duty of excise.

Letters from colonel Whaly, that the king thought himself King.

much wronged and abused by a paper lately published as in his name, entitled, *His majesty's declaration*, which the king wholly disowns and dislikes, and that to vindicate the king, by discovering and punishing the libeller, would give great satisfaction to his majesty.

That the king hunted in the great park, and dined with his children at Sion, &c.

31. The day of thanksgiving for the victory in Ireland.

The marquis of Ormond visited the king, and afterwards visited the general at Putney, and was received with great kindness.

The council of war sat about sending the forces into Ireland, and about placing of guards in the Tower, and for guards for the houses.

The records put in at Worcester were forty-two, the causes in which I was retained were thirty-six.

September 1647.

1. Letters ordered to the commissioners in the army, to treat further with the general, and to expedite the sending away of forces into Ireland, and a committee to consider of raising money for them.

Debate about security for such as shall bring in bullion, and against transporting of it, and for calling in clipped silver.

Orders about stating the accounts of officers and soldiers, and about money for the maimed soldiers, and for money for Plymouth garrison.

Several votes of both houses about presenting the propositions of peace to his majesty.

Debate upon a message from the lords, with a letter from the estates of Scotland, and from the Scots commissioners, about the business of the lord Lauderdale, and the stay of Mr. Chieseley at Newcastle, desiring reparations. The lords referred it to the committee of both kingdoms, the commons referred it to the committee with the army.

Mr. Chieseley.

Colonel Lilburne, governor of Newcastle, wrote a letter to the states of Scotland, excusing the stay of Mr. Chiesely at Newcastle, that he knew him not, nor did Mr. Chiesely show any pass from the Scots commissioners, or from sir Thomas Fairfax, and was stayed in the time when the tumults were at London, and intelligence of endeavours to engage a party

in Scotland against the parliament of England; but as soon as he knew who Mr. Chiesely was, he discharged him freely.

2. Both houses passed the ordinance for settling the militia of London in the old hands, and some of the committee joined with them.

They also passed a declaration against the crowding of soldiers and others at the doors of both houses.

A petition in the name of the inhabitants of Bristol. Petition of Bristol.

1. For settlement of peace, and to prevent another war.
2. To answer the grievances of the army, and to vindicate them.
3. To preserve the just rights and liberties of the people from tyranny.
4. To free the people from unlawful powers, and endeavours to suppress their petitions.
5. To remove out of the house and places of justice unfit and uncapable persons.
6. That faithful persons may be trusted.
7. For tenderness in imposing the covenant.
8. That tender consciences may not be grieved.
9. For an act of oblivion.
10. For speedy trial of prisoners.
11. Against long imprisonments.
12. To compassionate widows and maimed soldiers. 268
13. That accounts may be given.
14. To find out a way that suits of law may be less chargeable and dilatory, and the laws in a less volume, and in English.

The petitioners were called in and told, that the house could not approve of some things in their petition, but gave them thanks for their good affections. Answer.

Upon a letter from the general,

Order for a commission to determine differences in Jersey.

Both houses agreed upon an answer to the letter of the Scots commissioners.

Vote, that the works about London be demolished, according to a paper from the army, to ease the charge of maintaining and keeping them. Vote.

3. Order that the propositions be presented to the king on Tuesday next by the commissioners, and that the ten days for receiving his majesty's answer be altered to six days.

Debate of making colonel Hammond governor of the Isle

of Wight, and about an ordinance for suppressing of scurrilous pamphlets.

Mr. Bainton, charged with signing a warrant for raising horse in the city to further the late tumults, was suspended the house.

4. The whole day spent upon the report concerning the late tumult and force upon the parliament; voted, that summons be sent for Mr. Hollis, sir William Waller, sir John Clotworthy, major-general Massey, Mr. Walter Long, and Mr. Nichols, reported to have engaged in that business, and that Mr. Glyn and sir John Maynard do attend the house about that business.

The eleven members.

6. Mr. recorder Glyn attended the house, but his business was put off to the next day.

The non-concurrence of the Scots commissioners to part of the propositions of peace hindered the sending them to the king, and the house ordered the committee of both kingdoms to desire this afternoon their positive answer of concurrence or not, because the houses were resolved to send the propositions to the king to-morrow.

Biddle's pamphlet.

Order to call in Biddle's pamphlet, blasphemous against the deity of Christ, and that it be burnt by the hangman, and the examination of Biddle referred to the committee of plundered ministers.

Execution of Mackquire put off.

An ordinance passed both houses about calling in of clipped silver.

An ordinance passed the commons for making colonel Hammond governor of the Isle of Wight.

Letters from the lord Inchequin for money &c. referred to the committee.

Ireland.

Letters from Ireland certify that the lord Inchequin and soldiers there were upon a remonstrance resenting the proceedings of parliament and army in England; they declared that they would prosecute the war against the rebels, but would not admit of any alteration in martial government, till their arrears both in England and Ireland were paid.

Ordinance passed the commons to disable all who had borne arms against the parliament from any public office or employment.

Six or eight thousand of the Scottish forces were drawn southwards to quarter upon the borders.

7. Upon the report of the Scots commissioners' concurrence to the propositions for peace, both houses passed a letter to the commissioners with the king, that they, with the Scots commissioners now to be sent down, should present the propositions to the king, and receive his answer within six days. Propositions for peace.

Both houses agreed upon a letter to the estates of Scotland for recalling the Scots forces out of Ulster, according to the treaty.

Upon the petition of colonel Baines, that the counter where he was prisoner was infected with the plague, he was removed to Peter-house.

Mr. recorder Glyn attended the house according to their former order, and the charge was read against him for being active in the late disorders of London for promoting a new war, and encouraging the riotous petitioners.

To this he made his defence with much prudence and clearness, yet the sentence of the house was upon the question carried against him, Glyn.

That he should be discharged from being a member of the house, and committed to the Tower during the pleasure of the house.

The like sentence was against sir John Maynard, another of the eleven members, for the like offence; and further, that an impeachment of high treason be drawn up against him.

A letter from sir Thomas Fairfax and his council of war to the common-council about the advance of money by way of loan for the army, upon the security of the arrears of the city; and the letter was quick, and from an army for money. Army for money.

8. Upon the further report of what persons were active in the late tumults and design of a new war,

The commons voted, that an impeachment of high treason should be against the earl of Suffolk, the lord Willoughby of Parham, the lord Hundesden, lord Maynard, the earl of Lincoln, lord Barkley, and the earl of Middlesex. Impeachments.

The commons by message impeached these lords of high treason at the bar of that house, and prayed that they might be sequestered from the house, and committed, and that they would bring in a particular charge against them.

Sir John Maynard was sent to the Tower, and the commitment of Mr. Glyn suspended for a week, that he might have time to sort and deliver out his papers concerning the city of London, and about his clients at law.

Here we may take notice of the incertainty of worldly favours and affairs: the lord Willoughby, a person of as much honour and courage as any whom I have known, and one who had ventured as far as any man of his quality to serve the parliament, and was deservedly in their high esteem and favour;

Now, upon the getting up of another faction among them, all his former great services and merits were not at all considered, but he became an object of their ill-will, and accused by them of high treason, to take away his life, fortune, and honour. An ill reward for all his gallant services. It being the declared tenent of Mr. Samuel Browne and others, that no former services or deserts, how great soever, were to be considered, or to avail a man anything, if he chance but by any one action to fall into their displeasure, but that he ought to be proceeded against the rather with the more severity. This is no great encouragement to engage in public affairs.

A message to the commons for taking off the sequestration of the duke of Bucks' estate, and recommending a petition of the lord Grey's to the commons.

Mr. Biddle's book was burned.

The propositions were delivered to the king by the commissioners at Hampton-court, and he told them he would give his answer with all conveniency.

269 9. Both houses passed an ordinance for constituting a committee for the militia of Westminster and the out-parishes, with the same power as the committee have for the militia of London; and another ordinance for a committee of the militia of Southwark; and another, for the Tower-Hamlets to be under the command of the lieutenant of the Tower.

Another ordinance passed, to enable the militias of London and Westminster to pull down the courts of guard and lines, and to sell the timber; and the citizens were invited to send their servants to assist in this work.

The common-council had returned answer to the general, and returned the like this day to the commons, that they

could not advance the 50,000*l.* as was desired for the pay of the army: the commons ordered that they should be further desired to advance this sum.

Some of the citizens were put in mind, that not long since, upon advance of the army near them, they would then willingly have parted with a much greater sum to purchase the favour of the army and freedom from their fears; and the army having dealt so kindly with them, and not taking a penny from any of them, when they had so great an advantage against them; and the army having now writ to them to desire them to advance this sum, it was wondered at, and they wished to be well advised that they did not too far provoke the house and the army by denying of it sullenly. The city importuned.

Commissary Copley, for assisting in the late tumults, and to promote a new war, was discharged of his service in the house, and committed to the Tower, and captain Mulgrave for the same offence was sent prisoner to Newgate.

Ordered by the house of peers, that the gentleman usher of the black rod bring in the lords impeached by the house of commons, to answer to the impeachment.

The house sat again in the afternoon: my lord Willoughby's friends advised him to keep out of the way until the present heat and storm were a little passed over.

The city of London had generally an inclination to make choice of me to be their recorder in the place of Mr. Glyn; but I had no mind to it, and sought to decline it.

10. A declaration of both houses published, that none shall be elected into any office that hath assisted the enemy against the parliament.

The Scots forces quartered upon the borders of England, and commissioners of the estates were coming for England.

11. The houses sat not, but the commissioners and council of war sat close at Putney, about the business of Ireland, and of garrisons and disbandings; but all was at a stand for want of moneys to pay the soldiers, which much discontented them.

Letters from the commissioners with the king, that he is willing to settle presbytery for three years, and the militia, as he before offered; but others he is not satisfied to assent unto, but desires to put himself upon the proposals of the army, and that they may be taken into consideration. Proposals by the army to the king.

Some private treaties were said to have been by some officers of the army with the king, and instructions given by them, Cromwell and others, that if he would assent to their proposals, lower than those of the parliament, that the army would settle him again in his throne.

But (it was unfortunate to him) that his bishops persuaded him against what he was inclined in his own judgment to have agreed unto, and thereby ruined him, and themselves at the present.

13. The commissioners returned with his majesty's answer to the propositions:

The king's answer. He waves those now sent to him, or any treaty upon them, and flies to the proposals of the army; urgeth a treaty upon them, and such as he shall make; professeth he will give satisfaction for settling the protestant religion, with liberty to tender consciences; to secure the laws, liberty, and property, and privileges of parliament; and of those concerning Scotland he will treat apart with the Scots commissioners.

A copy of this answer was sent by the king to sir Thomas Fairfax.

Petitions. Many addresses were daily made by petitions and otherwise to the general upon particular grievances, and he and his council of war returned prudent answers to them.

The agitators of the army presented a paper to the general in behalf of many who were in prison for words spoken by them against the king in the time of the war, and the general certified the same by letter to the parliament.

Letters from the north of the wise and just managing of the affairs in those parts by major-general Lambert:

That by his council of war he sentenced one Macro, an Irishman, a notorious proved drunkard and swearer, to be bored through the tongue with a red hot iron, imprisoned fourteen days with bread and water, and to be cashiered: the like sentences were against others, to the contentment of the people.

14. Upon reading the king's answer to the propositions for peace, a day was appointed by either house to consider of it, and that in the mean time it be communicated to the Scots commissioners.

Upon earnest letters from the general in behalf of James Symbal and others, in prison for speaking of words against

the king in the time of war, for which justice Bacon and sergeant Creswel committed them, the house referred their cases to the committee of indemnity, with power to release the prisoners if they found cause.

A petition from divers Bucks' men against tithes and free quarter, answered, that the house would take the business of tithes into consideration in convenient time, and were now in debate touching free quarter.

Debate upon the report concerning lieutenant-colonel Lil- City.
burne, and touching some compositions, and a vote to take off the sequestration of sir Robert Nappier's estate.

The common-council of London thought it discretion to comply with the desires of the parliament and army in advancing 50,000*l.* for the army, and had such addition of security for it as they proposed.

15. An ordinance committed for settling some lands of the earl of Worcester's upon the lord Say, sir Benjamin Rudyeard, and sir Rowland Wandesford, for reparation of their losses by the taking away of the court of wards.

Orders for commitment of some actors in the late great tumult.

A report of the proceedings of the commissioners in the army, and a debate touching tithes, and referred to a committee to consider of a way to redress the grievances in this business of tithes.

Several petitions from Oxfordshire, Hertfordshire, and other countries against tithes, referred to a committee.

A petition of the inhabitants of Southwark, that the houses 270
may be purged of such as assisted in the late tumults and Southwark.
force upon the parliament, when the members were driven away, was laid aside for the present.

16. The petitions of London, Southwark, Oxfordshire, Bucks, Hertfordshire, &c., for purging the house of all members that sat in the absence of the speakers, was debated, and resolved,

That the proceedings in that time should be null, but that Resolved.
no member should be questioned for being then present in the house but such as were actors in the tumult, city engagement, and design of a new war.

The petitioners had thanks for their good affections, and were desired to be satisfied in this business.

Impeachments. Order for an impeachment of high crimes and misdemeanours against Mr. Glyn and against colonel Copley, and for the lords to be desired to appoint a day for the commons to bring in their particular charge against the seven impeached lords.

Both houses passed the ordinance concerning delinquents' compositions, and some particular ordinances for taking off sequestrations of the estates of the lady Bankes and her son sir Richard Price and others.

The commons' concurrence desired to ordinances touching payment of fee-farm rents by members of parliament, and recovery of moneys due by bonds given in the court of wards.

Debate touching the lessening of the forces in England, and votes touching the forces to be sent into Ireland, and for pay for them, and referred to the commissioners in the army to treat further with the general and his field-officers concerning these particulars.

17. Orders touching the month's gratuity appointed for the army, and the month's pay for them, and about the 50,000*l.*, and touching the charge against the seven lords.

Vote. Vote, that for present security of this kingdom till affairs be settled here, and in order to the future relief of Ireland, seven thousand two hundred horse, one thousand dragoons, and eighteen thousand foot, be kept up in England.

The Scots forces under lieutenant-general David Lesley quartering upon the borders gave some cause of offence to the English: many of their commanders resorted often to Berwick.

18. The establishment of the army and garrisons was referred to the general and commissioners of parliament in the army, with reference to the former orders of the house.

Information from Ireland of some underhand dealing, and invitation of the lord Inchequin and colonel Jones to join with the Scots forces in Ulster.

Army. After a sermon in Putney church, the general, many great officers, field-officers, inferior officers, and agitators met in the church, debated the proposals of the army, and altered some few things in them, and were full of the sermon which was preached by Mr. Peters.

The general and his council agreed upon a declaration concerning the delays in raising money for the army and garri-

sons, and the sufferings of the country by free quarter occasioned by those wants, and the hinderance of disbanding the forces not necessary to be kept up, and of relieving Ireland; all this caused by their neglect on whom the parliament did depend; and especially they take notice of the delays of the city. They declare,

Declaration.

1. That for what time their defaults and delays shall occasion the stay of the army hereabouts, the charge should be laid upon them and their adherents about the city.

2. That the houses would consider of the delinquencies of those that had a hand in the late tumults and design of a new war, and that such fines may be set upon them as are agreeable to justice.

3. That in case the money be not brought in by the time appointed, that the parliament would give leave to the general, with the advice of the committee of the army, for levying of the arrears.

This was sent by the commissioners to the parliament, and by them communicated to the common-council of London, at which they were much startled.

20. An ordinance passed for payment of moneys due upon bonds in the court of wards, and a day set to consider of providing for orphans.

Upon a letter from the general of the necessities of Portsmouth garrison, referred to the general and commissioners in the army to take care thereof.

An ordinance sent up to the lords for suppressing unlicensed pamphlets, and punishing the authors and sellers of them.

Orders for seven thousand suits of apparel, and for shirts, shoes, and stockings, for the forces in Munster, and the like for the forces in Ulster, to be deducted out of their pay.

Mr. Thomas Challoner and colonel Jo. Temple appointed commissioners of parliament in Munster.

The army in Scotland was voted to be disbanded.

The inhabitants of Richmondshire stood upon their guard against free quarter: major-general Lambert sent some forces thither to keep all quiet, and went himself to disband the forces in Northumberland.

The general made commissioners of martial law in every regiment, to punish the misdemeanours of soldiers in their quarters, reserving all cases extending to life or limb to the council of war at the head-quarters.

21. Upon a long debate, voted by both houses, that the king denies in his answer to give his assent to the propositions.

Order for all the members of the house to attend in their places by a day.

Vote. Ordinances passed for compositions.

City. A report from the city to satisfy the house that the city at this time could noways advance the 50,000*l.* for the army.

Mr. Porey, one of the commissioners with the army, presented to the house the explanations and resolutions of the

Army. council of the army to the queries made upon the army's proposals by the parliament's commissioners residing with the army:

1. Touching the time when this parliament should determine, it was held fit to suspend that till it should appear what expedition will be made in the settlement of the things proposed.

2. That the army shall be satisfied either with biennial or triennial parliaments; if triennial, then they to sit at least six or eight months.

3. The limitations that parliament shall not sit above two hundred and forty days to be understood, unless the parliament find it fit to sit longer; but every parliament to dissolve at least eighty days
271 before the next is to be begun, that the course of new elections may not be interrupted.

4. That the liberty of entering dissents is not desired, but where the vote may be to the destruction of right or liberty.

5. By the power of the militia, they mean the power of raising, arming, &c., according to the expressions in the propositions.

6. By the power of raising and disposing moneys, they mean the same as in the expressions in the propositions.

7. By great officers, they mean the same as in the propositions.

Resolution. 22. Upon a long debate in a grand committee touching the king's answer to the propositions and motions for a personal treaty, and for sending the propositions again to the king, the house resolved to fall upon the settlement of the kingdom, by establishing such additional laws as may make for the present and future good of the kingdom; and turning the propositions into bills and acts.

The house resolved, that the militia should be settled as a law for twenty years.

Ordinances sent up to the lords for money for the forces in Lancashire, and against unlicensed pamphlets.

23. Upon debate, whether the parliament should once more send the propositions or any of them to the king, it was voted, that they should once more make application to his majesty for his assent to such things in the propositions as they conceive will most tend to the good of the kingdom. In order to which it was voted, Propositions for peace.

That the proposition for the great seal, concerning honours and titles, the proposition for taking away bishops, &c., with some alterations, the proposition concerning declarations and proclamations against the parliament, and so much of the twelve propositions as concern the raising of moneys for payment of the public debts of the kingdom, be drawn into bills, and sent to his majesty for his assent.

The ordinance passed for continuing the committee of the army and treasurers at war.

Orders touching 30,000*l.* for the army and the month's gratuity to the private soldiers.

The general council of the officers of the army at Putney agreed upon a representation to the parliament of their desires as soldiers, and delivered to the parliament's commissioners, Army.

1. That a committee may abide at the head-quarters, to state the accounts and give debentures.

2. For a visible security for the arrears.

3. For an ordinance, that none who have served the parliament shall be pressed to any foreign service, nor a horseman to serve on foot.

4. That the ordinance concerning apprentices' freedom who have served the parliament may be an act.

5. The like for maimed soldiers, &c.

6. For an addition to the act of indemnity for all said or done by any of the army concerning any thing about the army's petition at Walden, or in vindication of themselves.

I stayed at home, but was troubled with business.

24. Upon a further report touching the force upon the parliament, it was voted,

That sir John Gayer, lord-mayor of London, alderman Bunce, alderman Cullam, alderman Langham, and alderman Adams, shall be committed to the Tower upon accusation of high treason, for countenancing and abetting the force and tumult brought down and used against the house, July 26 Force upon the parliament.

last, and this to be in order to their trial; and the committee ordered to bring in impeachments against them.

Lord-mayor sent to the Tower.

25. The impeached lord-mayor and aldermen were carried to the Tower, and upon further debate touching the tumult and force upon the parliament, it was voted,

That several citizens be impeached of high crimes and misdemeanours, and others to be indicted at the king's bench of high treason.

Reference to the aldermen and common-council, to consider how the civil government of the city may be executed according to their charters, now that the lord-mayor is committed.

Orders touching Wharton's books, and other pamphlets scandalous to the parliament.

27. The commons sent up to the lords an impeachment against the lord-mayor, and desired a time for his trial, and they then would bring up the charge and proofs.

Order about a new lord-mayor.

Captain Batten laid down his commission of vice-admiral, and colonel Rainsborough was voted in his place; and a list of the captains and ships agreed upon for this winter's fleet.

Petitioners of Somersetshire had thanks for their good affections.

Delinquents.

A thousand pounds ordered for colonel Rainsborough for his arrears.

An ordinance to make void elections of delinquent mayors, &c., and order for the speaker to write to the corporations to make new elections.

The like for delinquent sheriffs, and no delinquent to have a voice in elections.

Ordinances passed for money for Lynne garrison, and for clothes for soldiers.

Ireland.

Letters from Ireland of the good success of the lord Inchequin taking twelve castles in Tipperary and the castle of Cahir in this manner:

Stratagem.

An English trooper was wounded and taken by the rebels, and carried into Cahir-castle; colonel Hepsely having observed some defects in the works, had a mind to get into the castle to see them, and was permitted to come in a disguise, as a chirurgeon to dress the trooper's wounds.

Having thus espied the defects in the works, he led on a party to that place and stormed the castle.

A letter was ordered to the lord Inchequin, to desire him to send over some of his officers in safe custody, against whom some things were charged.

Colonel Jones marched out of Dublin with a strong party.

The estates in Scotland ordered their forces to be dis- Scotland. banded, unless the committee of estates think fit to continue them, in case the kingdom be in any danger of trouble, the person of the king in any hazard, or the nation like to be dishonoured; and such as refuse to disband to be taken as mutineers.

Major-general Lambert quieted the difference about quarter between the soldiers and the Richmondshire men, and appeased a mutiny with stoutness, and sent a party against 272 the moss-troopers.

28. Both houses passed an ordinance for suppressing scandalous and unlicensed pamphlets: the execution of it was left to the militia of London, and to the committees of the several adjacent counties.

An ordinance was read for levying the arrears to the army Army. of the city of London.

A letter from the general council of the army to lieutenant-general Cromwell was read in the house, mentioning the danger of mutinies, and loss of the army, and of new distractions for want of pay, and desiring him to acquaint the house therewith, and to be a means to procure money.

The ordinance passed for 30,000*l.* for the army, and an order for the month's gratuity and month's pay.

Debate of ordinances for money for soldiers' widows, and touching arrears.

A letter agreed upon by both houses from the parliament Sweden. to the queen of Sweden, and the state of the matter of fact of what passed between the ships of England and Sweden, ordered to be delivered to the Swedish agent.

Election of a new lord-mayor of London.

I went to Mr. Libbe's house at Hardwick, a very good seat, and well planted with fruit, especially grapes.

This was anciently belonging to my ancestors, as appears by his evidences, and the name of some of the land yet called Whitelockes.

29. The monthly fast-day.

30. Alderman Warner was presented to the lords for the new lord-mayor for the next year, and for the remaining time of the last lord-mayor, now in prison, and approved of, and sworn for both times.

The ordinance read for continuing tunnage and poundage for two years, and referred to the committee of the navy to treat with the commissioners of the customs about money for the winter guards.

Upon debate what should be further tendered to his majesty upon the propositions, it was voted,

Propositions for peace.

1. That the proposition concerning the prosecution of the war in Ireland by both houses, and in the intervals by a committee,

2. That the proposition for making void the cessation with the Irish rebels,

3. That the proposition for nominating the chief officers of England and Ireland by both houses, and in the intervals by a committee, be again tendered to his majesty, and drawn into bills for his consent.

4. The three treaties between England and Scotland ordered to be considered; and how far they stand in relation to the desire of his majesty, and that the lords' concurrence be desired.

October 1647.

1. Order for money for officers and widows in distress, and for the poor English Irish.

Force upon the parliament.

Order for a declaration, that both houses intend to desist from prosecuting any more, that were active or abettors in the late tumult and force upon the parliament, than those whom they have already voted against.

Order about cursitors' places referred to the two speakers.

Orders for removing prisoners in the Tower to other prisons.

The impeachment agreed unto against lieutenant-colonel Baines.

The ordinance for delinquents to have no voice in the election of officers passed, and sent to the lords.

The parliament were now in an ill condition, full of straits and perplexities as to the king, the city, and the army.

2. Some appointed to be examined upon the late tumult, and the declaration committed, that no more should be questioned, whereby people's minds were quieted; but this was

not to extend to any members of the house, reduced officers, or delinquents.

Pardons granted to some prisoners.

Debate upon the Confession of Faith presented by the assembly. Divines.

A paper from the army, desiring,

1. That the house would grant to the general, and such officers and soldiers as he should appoint, full power (with the directions of the committee of the army) to levy, by way of distress from the city, the arrears due to the army. Army.

2. That the parliament would set a penalty upon those that put them to this trouble of distraining.

3. That they would give the like power and penalty for levying all the arrears in other places.

4. And that the houses would provide for their own guards, so as the army might quarter further from the city.

Some came to me about the election of a new mayor of Oxford, the present mayor being voted uncapable, as a delinquent: differences and divisions still increased.

3. I visited the lord Willoughby, who was prisoner under the black rod, but carried himself stoutly and discreetly, alleging, as I believe was most true, that he had done nothing but according to his conscience.

4. Vote for 20,000*l.* a month above the 60,000*l.* for the nine thousand horse and foot designed for Ireland; and towards the charge of that war. And other votes touching the forces and government there.

Order for two months' pay for all the garrisons that are put out and so disbanded, and all of the army who are not of the establishment, nor to go for Ireland, to be cashiered.

An ordinance passed for money, another for Guernsey, &c.; and colonel Birch, colonel Ludlow, Mr. Harrington, and Mr. Weaver, named commissioners for this business.

The letter from the general touching the arrears of the army, referred to the committee of the army.

Orders touching guards for the Tower.

The lords concurred, with some small alterations, about the propositions to be again sent to the king.

The lords ordered the sequestration of the duke of Bucks' estate to be taken off; and recommended to the commons the earl of Newport's petition for lessening of his compo-

sitions; and ordered the continuance of the allowance of 800*l.* per annum to the bishop of Durham, and desired the commons' concurrence.

273 Both houses passed the ordinance for disabling delinquents to have voices in elections.

I attended the house, who were in as many difficulties, and the public in as much danger, as ever.

5. Debate upon the ordinance for tunnage and poundage; and orders for money for Mr. Prince.

Order for 400*l.* per annum allowance for the bishop of Armagh, and for 1030*l.* for colonel Thornehagh, who raised a troop of horse at his own charge.

Force upon the parliament. Another petition of divers Londoners against those members who sat during the force upon the parliament. The petitioners in the house were told that the parliament had already settled this business, and that it was the duty of every Englishman to acquiesce in the judgment of the parliament.

Lambert. An account from major-general Lambert of the ordering of his forces in the north, of the agreement with the vale-men about quartering his soldiers, and about suppressing the moss-troopers.

The lord chancellor of Scotland and the lord Lanerick expected in England.

Gifted men 6. A petition to both houses about sending of able gifted men, though not clergymen in orders, to preach the gospel in barren places of the kingdom; and that the like persons were admitted to preach the gospel in the beginning of queen Elizabeth's reign; and that such men may receive encouragement and protection from the house:

Referred to a committee, to consider of a way how such persons so to be sent may be first examined.

The ordinance for settling the presbyterian government recommitted, to have a clause inserted in favour of tender consciences; and this to be sent to the king with the other propositions.

7. The house spent all the day in a grand committee about tunnage and poundage.

The general council of the army sat at Putney about the business of their pay.

Colonel Jones marched forth against the rebels, and took good booties from them, but they declined fighting.

8. Debate about the commissioners of the customs, and about this winter's fleet.

New desires from the army were,

1. That their arrears may be paid out of the sale of deans' and chapters' lands, and the remainder of the security of bishops' lands, and sale of forest lands. Army.

2. That the month's pay for the army may speedily be collected by such as the parliament shall appoint.

3. That the propositions may be drawn up, and speedily sent to his majesty.

Referred to the committee of the army, as to the collecting of the month's pay.

9. The house was called, and an hundred and fifty of their members absent, and 20*l.* fine was set on every one that was absent; and a committee appointed to examine the absence of the members, and their excuses, and a new day set for their appearance, and the respective sheriffs to summon them.

The duke of Richmond, marquis of Hertford, marquis of Ormond, earl of Dorset, earl of Southampton, lord Seymour, and some others, came to the king to Hampton-court, intending to reside there as his council, but the army declaring against it they returned back again.

The general council of the army had conference with a German, who gave himself out to be a prophet; and they considered of their own pay, and the pay of the northern forces.

11. Debate of the desires of the army, in relation to their pay and arrears, in a grand committee; and it was voted that they should be paid out of the excise and Goldsmiths'-hall, and the arrears to be secured out of bishops' lands, and deans' and chapters' lands, and the like for pay of the forces in Ireland. Army.

Order for 1000*l.* for sir Thomas Maleverer, who raised two regiments of foot and one of horse for the parliament, in part of his arrears.

I attended the house, and Mr. Maynard and I talking of our circuit gains, he told me that he got in the last circuit 700*l.*, which I believe was more than any one of our profession ever got before. Maynard.

12. Much debate of the ordinance of tunnage and poundage, and voted, that if the commissioners will advance 30,000*l.*, they shall not be removed till they be reimbursed all that

shall be owing unto them; which the commissioners agreed to do.

An ordinance for levying of the arrears of the army, and the power of the commissioners of the army, when they shall come away, to be transferred to the committee of the army, was sent up to the lords.

Order for a committee of the militia of Hertfordshire.

Army. Another letter from the general and his council to the parliament, for a provision of pay for the army and for Ireland, and to prevent the misery of free quarter, and for money for disbanding forces; and of the arrears of the tax not paid in, and that the high sheriff may levy the assessments, and that the arrears of the army may be audited, and satisfied out of deans' and chapters' lands.

This letter referred to the committee appointed to consider of providing pay for the forces of England and Ireland.

Both houses passed an ordinance for collecting all the arrears of the assessments for sir Thomas Fairfax's army.

Letters from colonel Jones of the great wants of the forces in Ireland, and of his resolution to fight the rebels, if he can force them to it.

Order for supplies for colonel Jones.

A committee to examine all complaints against such as use the Common-Prayer.

Order for monsieur Du Moulin to be history professor in Oxford.

Order touching the earl of Portland's business of the Isle of Wight, and for the agent of the duke of Florence to be free from excise.

Colonel Monk joined with colonel Jones in Ireland against the rebels.

The lords' votes. 13. Upon debate of the settlement of the presbyterian government, it was voted,

Church-government. That the king be desired to give his consent to such acts as shall be presented to him for settling the presbyterian government for three years, with a provision, that no person shall be liable to any question or penalty only for nonconformity to the said government, or to the form of divine service appointed in the ordinances.

274 And that such as shall not voluntarily conform to the said form of government and divine service shall have liberty to meet for the service and worship of God, and for exercise of religious duties and

ordinances, in a fit and convenient place, so as nothing be done by them to the disturbance of the peace of the kingdom.

And provided that this extend not to any toleration of the popish religion, nor to any penalties imposed upon popish recusants, nor to tolerate the practice of any thing contrary to the principles of the Christian religion contained in the Apostles' Creed, as it is expounded in the Articles of the Church of England;

Nor of any thing contrary to the point of faith, for the ignorance whereof men are to be kept from the Lord's supper; nor to excuse any from the penalties, 1 and 2 Eliz., for not coming to hear the word of God on the Lord's day in any church or chapel, unless he can show a reasonable cause, or that he was hearing the word of God preached or expounded elsewhere.

These were the lords' votes.

The commons voted,

Commons' votes.

That the presbyterian government be established till the end of the next session of parliament.

That the tenths and maintenance belonging to any church shall be only to such as can submit to the presbyterian government, and none other.

That liberty of conscience granted shall extend to none that shall preach, print, or publish any thing contrary to the first fifteen of the Thirty-Nine Articles, except the eighth.

That it extend not to popish recusants, or taking away any penal laws against them.

Order by the lords that the marquis of Winton have three months' longer time to be abroad. Committees appointed to draw things into form, and touching the propagation of the parliament, and touching justices of the peace, and grand jurymen.

14. Debate touching the end of sessions of parliament, and this session to end in twelve months after the passing the bill, and afterwards the sessions to be triennial.

The commons voted liberty to tender consciences by way of indulgence, and much to the effect as the lords had before voted.

A letter from the king to the general,

That he would write to the parliament that his majesty's children might not yet be removed to St. James's, but remain for a night or two with him.

15. Debate upon the ordinance for tunnage and poundage.

Proceedings upon the propositions concerning church-government.

The general council of the army at Putney resolved that every trooper should abate 12*d.* per diem, in lieu of free quarter, and every foot soldier 4*d.* per diem.

At the committee of sequestrations, Dr. Roberts, upon too plain evidence, was voted a delinquent.

Religion. 16. Debate touching religion, and voted,

That the indulgence as to tender consciences shall not extend to tolerate the Common-Prayer.

The lords sent the propositions to the commons for their concurrence, to be sent to the king with some alterations.

The commons referred them to a committee to peruse, wherein they agreed or disagreed from the former propositions.

Suspicion of designs to bring in the Scots to assist the king.

18. Proceedings upon the propositions to be sent to the king the same as before.

Additional propositions. Added, to put a period to this parliament a year after the passing of this act.

For elections of justices of peace and grand jurymen.

The king to return to his parliament, and have his rights, queen, and children restored to him.

Some alterations made by the commons, and referred to a committee.

Debate upon seven delinquents to be excepted from pardon of life.

Complaints against stage-players, and an ordinance to suppress them.

Lilburne. Debate upon lieutenant-colonel Lilburne's case committed by the lords, against which he complained by a long speech.

Monsieur Belliure, the French ambassador, took his leave of the king.

The Gordons rose in arms in Scotland, and major-general Middleton gave a defeat to some of them.

Army. The agitators of five regiments of horse presented some high papers to the general as the sense of the army, which was not so, but of these agitators.

The general answered their letter, that he thought it meet to be presented to the general council.

19. A grand committee to consider of moneys for pay of the army out of the excise, bishops' lands, &c.

Letter from the French ambassador about his taking leave, and desiring a pass. French ambassador.

Debate about coaches, &c. for his journey: order, that three lords and six commoners give the ambassador a visit at his departure.

Ordinance against stage-plays carried up to the lords.

Colonel Jones took in four castles from the rebels, but could not force them to fight, though at advantages.

Power given to suppress the moss-troopers.

I was at a consultation of lawyers in a great cause of the East India Company, and afterwards I attended the house, and the prince elector's committee.

20. Several votes passed upon the proposition of persons excepted from pardon, agreed to be seven; and touching estates and offices, &c.

21. Proceedings, and several new votes upon the propositions.

A petition from sir William Roberts and the other contractors for the sale of bishops' lands; of the obstructions in that business: referred to a committee to consider of a way for removal of them.

The lords agreed with the commons in the ordinance for suppressing stage-players.

22. A petition of the East India Company referred to a committee.

Order for 1200*l.* for lieutenant-colonel Gell's arrears.

An ordinance committed for payment of all arrears to the soldiers, particularly of sir Thomas Fairfax's army; and ordered out of the sale of bishops' lands, after the precedent engagements thereupon.

The assembly presented to the house a Catechism drawn up by them. Assembly.

Referred to the committee of the army and to the committee of the navy, to inquire what arms, ammunition, and ordnances belonging to the public are in any private hands, or not made use of for the service of the state; and to restore such as belong to any who are well-affected to the parliament; and the rest to be brought into the Tower, or made use of for the navy. 275

The general and general council of the army met at Putney, and had much debate touching the papers presented by the agitators of the five regiments, which were disliked by the general and his officers; and they appointed a committee to consider of the paper printed, entitled, *The case of the army*, to send for such parties as they shall think fit, and to prepare something to be offered to the next general council, and for vindication of the army from the aspersions cast upon them by that paper.

They were also to consider of a way for the speedy bringing in of moneys upon compositions, to be offered to the house from the general council, and of an abatement of the pay of noncommissioned officers; and to prepare rules for quartering of soldiers for the ease of the country, and about some troopers lately taken in to be disbanded, about wagoners and payment of arrears.

23. A letter from the Scots commissioners here to give notice to the houses that there was a command laid upon them to attend the king, which they did this day at Hampton-court.

Orders for money for the army.

Proceedings upon the propositions, and voted, that the tithes belonging to deans and chapters shall be employed towards the maintenance of a preaching minister.

Propositions for peace.

25. Votes for pay of the arrears of soldiers out of the estates of delinquents, the remainder of bishops' lands and forest lands; this to be inserted in the propositions; and an act to null the court of wards, and the king to have 20,000*l.* per annum in lieu thereof, and that the two houses shall nominate all the chief officers in Ireland, and also in England.

A committee of both houses for foreign affairs, to consider of a message from the ambassador of France.

A case of indemnity determined.

Scotland.

The committee of estates in Scotland, considering the dangers then imminent to religion, his majesty's person and authority, the union betwixt the kingdoms, and peace of that kingdom, fully represented to them in letters from the commissioners in London and by several informations, found it necessary, in regard thereof, that the army be kept up till March next.

Letters from the north of the care of major-general Lam-

bert, for equal quartering of his soldiers, and for punishment of some to run the gantlope for plundering, and for meddling to assist in taking possession of a parcel of tithes, and taking in the advice and assistance of a justice of peace.

26. Debate in a grand committee upon the ordinance of tunnage and poundage.

The house finished the propositions to be sent to the king, and ordered them to be presented within ten days, and had a conference with the lords for their concurrence. Propositions for peace.

Order for the lead of Worcester church to be taken off and sold.

A petition from the northern parts to both houses for the erecting of an university at York. York.

Letters from Dublin informed that colonel Jones, having joined to his forces those of colonel Cootes and colonel Monk, in all two thousand two hundred horse, and five thousand five hundred foot, took in several castles from the rebels; then they battered Port-Lester, most of the garrison leaped into the water and swam away, the rest were put to the sword. Ireland.

Then some of his men without order fell upon Athboy unexpectedly, surprised the guards, and entered and possessed the town, which was strongly fortified, and five hundred men in it; they took also two thousand cows and other cattle from the rebels, Owen their general could not get his men to engage for want of money.

27. The monthly fast-day; the house did set days to consider of the ordinance for setting of poor people to work, and of the ordinance against heinous sins and blasphemies.

28. A petition from the trustees for sale of bishops' lands about removing some obstructions, referred to special committee.

Impeachments against the seven lords agreed upon and sent up to the house of peers, and an impeachment against sir John Maynard; and colonel Midhup was apprehended for being active in the late force upon the parliament, and impeached of treason. Force upon the parliament.

Order for several members of the house to take some of the deputies of the sergeant-at-arms, and to break open doors, and seize the trunks and papers of one captain Vernon, which order was much opposed by some members of the house, as altogether illegal.

The earl of Northumberland desired leave at any time to carry the king's children to his majesty, which was granted.

The agitators of the five regiments that presented the former papers to the general and general council, now put forth another paper to clear themselves, and that they had no intention of making divisions in the army, &c.

Army.

29. The grand committee sat about tunnage and poundage.

Several meetings were of the general council of the army.

Prince elector.

30. Order about the 8000*l.* per annum to be paid to the prince elector.

A free conference of both houses touching some difference about part of the propositions; and the commons appointed a committee to prepare reasons to satisfy the lords why the commons adhered to their former resolutions in those particulars.

Little business this term by reason of the troubles with the army, which caused most men to be at a stand what to do in their particular affairs.

The times were doubtful and dangerous, by reason of the army's wilfulness and jealousies, and the divisions every where among the parliament party, which God was pleased to send upon us as a punishment for our ingratitude to him, and for our pride upon the success which he gave us, and forgetting to reform what was amiss, and professed to be done by us.

November 1647.

1. Orders for clothes and provisions for the forces in Ireland, and a committee for Ireland appointed to treat with merchants to advance the clothes, provisions, and ammunition to be sent over thither; and to give security by the excise, the assessment of 60,000*l.* per mensem, and delinquents' estates.

Order for the charges of the officers of the committee of accounts.

276 An information of endeavours to raise forces against the parliament and army, referred to be examined by a committee.

An ordinance passed, giving power to colonel Monk to execute martial law.

Both houses agreed upon the propositions to be sent to the king, and referred them to a committee to be drawn up in form.

Some of major-general Lambert's forces apprehended divers moss-troopers.

The committee of estates caused the lord Harehill to be beheaded at Edinburgh, notwithstanding the king's pardon; he died boldly, and after his speech to the people he threw down two papers among them, which mentioned strange new troubles in England. Scotland.

A further paper of proposals came to the house from the agitators of the five regiments, and of four other regiments of horse, and of seven regiments of foot joining with them. They declare, Army.

1. That the people, (being unequally distributed by counties, cities, and boroughs,) for election of their deputies in parliament, ought to be more indifferently proportioned according to the number of inhabitants; the circumstances to be set down before the end of this parliament.

2. That to prevent the inconveniences by the long continuance of the same persons in authority, this present parliament be dissolved by the last day of September next.

3. That the people do of course choose themselves a parliament once in every two years.

4. That the power of this and all other future representatives is inferior only to theirs that choose them, and extends, without the consent of any other person, to the enacting, altering, and repealing of laws, to the erecting and abolishing of offices and courts, to the appointing, removing, and calling to account magistrates and officers of all degrees, to the making war and peace, to the treating with foreign states, and generally to whatsoever is not reserved by those represented to themselves.

Which are these:

1. That matters of religion and God's worship are not at all intrusted to any human power; because therein we cannot admit or exceed a tittle of what our consciences dictate to be the mind of God, without wilful sin. Nevertheless, the public way of instructing the nation (so it be not compulsive) is referred to their discretion.

2. That impressing or constraining any of us to serve in the war is against freedom, and not allowed to our representatives; the rather because money is at their disposal.

3. That after this parliament none be questioned for any thing said or done in reference to the late differences.

4. That in all laws every person be bound alike; and that tenure, estates, charter, degree, birth, or place, do not confer any exception

from the ordinary course of legal proceedings whereunto others are subjected.

5. That the laws must be equal and good, and not destructive to the safety and well-being of the people.

These they declare to be their native rights, and are resolved to maintain them, and not to depend for the settlement of our peace and freedom upon him that intended our bondage, and brought a cruel war upon us.

I attended the house with little contentment in our affairs.

2. A grand committee sat all day about money for the army, and to take away free quarter.

Letters from the lord Inchequin for clothes, &c. for the Munster forces.

The house appointed a committee to collect all papers, letters, and writings, or commissions of public concernment in the hands of any secretaries or officers; and to take a catalogue of them, and to preserve them in some place for public use.

Army. New proposals.

New proposals of the army.

1. That this parliament be dissolved by the last day of September next.

2. That secure provisions may be made for the succession, constitution, and clearing the power of parliaments.

3. That a parliament shall biennially meet upon the first Thursday in April every year;

4. And shall sit till the last day of September after the meeting, and then dissolve, and not sooner, except by their own consent.

5. The king not to call parliaments in the intervals without consent of the council of state.

6. Elections to be free to freemen.

7. Patents and monopolies to be removed.

8. Their power to extend to declaration of laws and final judgments, without further appeal than to the representative.

9. No law to be against a commoner, but with the house of commons' concurrence.

10. No commoner or great officer to be exempt from judgment of the house of commons.

11. The king to give no power to protect or pardon those so condemned.

12. The privilege to be in the people, in election of officers about church-discipline, raising of soldiers, freedom for what hath been done these wars.

13. Elections to be distributed equally.

3. Debate of an ordinance for setting poor people to work, and for punishing of vagrants, and about the ordinance for tunnage and poundage.

Confirmation of Truro articles.

The ordinance passed for Guernsey, &c.

The general council of the army agreed upon these further heads:

Further heads.

1. That the proposals concerning elections be publicly read in each division, at their first proceeding to the election.

2. That by the indentures of election, the persons elected be limited to serve as deputies for thetime set.

3. That a more equal course be taken, and a rate (if it may be) on every man's land, not exceeding two shillings in the pound, in lieu of tithes.

They also debated touching the propositions to be sent to his majesty.

4. Orders for disbanding of the disjointed and supernumerary forces.

Discharge of the sequestration of colonel Brandling's estate. 277

Confirmation of Exeter articles.

Order for 500*l.* for the lord Ormond.

Army.

The general council of the army desired some alterations and additions might be made to the propositions to be sent to his majesty:

I. For security of the soldiers' arrears by deans' and chapters' lands and compositions.

II. These alterations about the militia:

1. That the lords and commons in future parliaments may have the power of the militia as well as the present.

2. That where the safety of the kingdom is concerned, the commons may exercise the militia without the lords, they not concurring, and that to bind the commons.

3. That London may have no other privilege of the militia than other corporations.

Divers resolutions in favour of delinquents.

That the faith of the army be kept upon articles of surrender.

That there be a general act of oblivion.

5. Informations of new designs against the parliament and army.

Debate touching the king's negative voice in parliament.

Scots. 6. A letter from the Scots commissioners here mentioning the king's being taken away from Holmby by a party of the army; and they desiring to know from him his present condition, his majesty referred them therein to the parliament and army.

That they held it needless to apply to the army in this matter, whom they suppose are or ought to be under the command of the parliament.

That the kingdom of Scotland, finding their stability and happiness so much to depend upon the safety and preservation of the king's person, and they resolving to continue in all loyalty under his government, have endeavoured the composure of the unhappy differences.

They desire that the business of the propositions may proceed with the mutual councils of both kingdoms, and in the name of the kingdom of Scotland they desire that there may be a personal treaty with his majesty, and for that effect, that the king may be invited to come to London with honour, freedom, and safety due to him, and not to be under the power and restraint of soldiers.

8. Debate touching provision for a constant pay of the army.

Both houses agreed to the conference for speedy despatch of the propositions.

The general council of the army desired his excellency, that for a time the officers and agitators should resort to the several commands and regiments, till the general rendezvous be over, and the general shall see cause to call them together again; and the same was done accordingly.

Colonel Jones took in divers castles and forts from the rebels in Lemster.

I was full of business for my clients, but neglected not the house.

Army. 9. Letters from the general, mentioning the long expectation of the army of somewhat to have been done by the parliament in order to the satisfaction of the desires and proposals of the army; that some satisfactory answers therein would enable him and his officers to serve the parliament the more, and to have more credit with the army, to keep them in better order.

That he had appointed a general rendezvous by the advice of the general officers of the army and general council, who offered to repair to their several charges and regiments, to improve their endeavours for quieting of them, and recovering the ancient discipline of the army.

He desires the house to grant the enclosed particulars:

1. Six weeks' pay (if possible), if not, a month's pay to be presently sent to the army.

2. The arrears to be paid out of the remainder of bishops' lands, deans', &c.

3. Provision for constant pay of the army.

4. That there be 100,000*l.* a month for the forces in England and Ireland, and those of the supernumeraries to be disbanded.

5. That free quarter, or taking any thing from any man, be punished with death.

Orders for money for the army.

A paper from some of the agitators, called *The case of the army*, voted by the house destructive to the privileges of parliament, and the fundamental government of this kingdom, and referred to the general to find out the authors. Vote.

Liberty granted to lieutenant colonel Lilburne to go abroad without his keeper.

Order for restitution of moneys seized from Mrs. Gurriton.

The lords appointed a committee to draw an answer to the letter of the Scots commissioners about a personal treaty. They fined their absent members 100*l.* a man.

The commons desired the lords' concurrence to several ordinances for moneys for the lord Ormond, for allowance for soldiers' wives, for trade, for confirming Truro articles.

A committee of the general council of the army appointed to collect a summary of the engagements, declarations, and papers of the army, of matters concerning the good of the kingdom, the liberties of the people, and the interest of the army; and to consider *The case of the army stated,* and a paper called *The agreement of the people,* to be presented to the general for his order to communicate it to the several regiments before their rendezvous. Army.

They also made a declaration, that by their letter to the parliament, November 5, it was no part of their intentions to hinder the sending of the propositions to the king, but only to assert the freedom of parliament.

10. A grand committee sat about the future pay of the army, and to prevent free quarter.

Order that the members of every county do present three names, out of which the house to choose one to be high sheriff for that county.

Debate of ordinances for money for Ireland, one by sale of rebels' lands.

The committee ordered to sit constantly, where Mr. Sandys hath the chair, to report what members of the house have offices. And the committee of the admiralty continued.

11. Order for the wives and children of delinquents to have the fifth part of sequestrations.

Orders for provisions for wounded soldiers.

278 Upon the question, whether deans' and chapters' lands should be security for the arrears of the soldiery, it passed in the negative.

The moss-troopers prosecuted.

The king's escape from Hampton-court.

This night news came of the king's escape from Hampton-court; that the officers who attended him wondering that he came not forth of his chamber, where he had been writing most part of the night before, they went in, and missed him within half an hour after his departure; that posts were sent into all parts to discover and stay him.

12. Letters from lieutenant-general Cromwell to the house of the king's going away, that the commissioners and colonel Whaly missing him at supper, went into his chamber and found him gone, leaving his cloak in the gallery, as he went the back way, and some letters of his own hand-writing upon the table in his withdrawing-room, to be communicated to the parliament, to this effect:

His letters.

That liberty, the thing now generally pretended and aimed at, was as necessary for kings as any other, that he had a long time endured captivity and restraint, hoping it might tend to the settlement of a good peace, but finding the contrary, and the unfixedness of the army, and new guards set upon him, he had withdrawn himself.

That wheresoever he should be, he would earnestly labour the settlement of a good peace, and to prevent the effusion of more blood; and if he might be heard with honour, freedom, and safety, he would instantly break through his cloud of retirement, and show himself ready to be *pater patriæ*.

CHARLES REX.

Orders to send for sir Edward Ford, sir John Berkley, Mr. John Ashburnham, and doctor Gosse, in safe custody, as suspected for the design of the king's escape; and for posts to be sent to all ports, and to the rear-admiral to search all vessels, and to stop the king's person, and all his attendants.

Information of a member of the house, that the king was in or near London, referred to a committee.

The commissioners reported the manner of his majesty's escape, and had the thanks of the house for their fidelity.

Order to pay the debts of those who attended his majesty, by occasion thereof.

The house was in great disturbance by the king's escape.

13. Letters from the general of divers secured at Hampton-court touching the king's escape, and to know what shall be done with them.

Order that it shall be loss of estate and life, for any one to detain the king's person, and not to discover it to both houses of parliament.

Orders in the afternoon for advance of money for the army.

15. Letters from colonel Hammond, governor of the Isle of Wight:

King in the Isle of Wight.

That riding upon the way in the island, Mr. Ashburnham and sir John Berkley overtook him, and told him that the king was near, and would be with the colonel this night.

That he was come from Hampton-court upon information that there were some who intended to destroy his person, that he could not with safety continue any longer there, and that finding his case thus, chose rather to put himself upon the colonel, being a member of the army, (whom he would not have left could he have had security to his person,) than to go to any other place.

That the colonel being herewith exceedingly surprised, knew not at present what course to take, but weighing the great concernment that the person of the king is of to the settlement of the peace of the kingdom, he resolved it his duty to the king, the parliament, and kingdom, to use the utmost of his endeavour to preserve his person from any such horrid attempt, and to bring him to a place of safety.

Where he may be also in a capacity of answering the expectation of the parliament and kingdom in the settlement

of our distractions. That he chose (the king desiring it) to bring him over into that island, where he now is, and concludes with professions of his own fidelity and care.

Another letter to the same purpose from captain Basket: the colonel's messenger had 20*l.* and the captain 10*l.* given them, and a committee appointed to draw up instructions for colonel Hammond about the disposing of his majesty during his stay there.

Rendezvous.

16. Letters from the general, that at the rendezvous of the first brigade near Ware, the soldiers generally by acclamations declared their affections and resolutions to adhere to the general, and signed an agreement to observe such orders as they should receive from the general and general council of the army; and this was done upon the general's speaking to each regiment, and notwithstanding great endeavours to oppose it.

At this rendezvous colonel Eyre, major Scot, and some other officers, who laboured to raise sedition and mutiny among the soldiers, were committed into the marshal's hands; others were committed for dispersing factious papers, as *The agreement of the people*, &c., among the soldiers, particularly in colonel Lilburne's regiment, the most mutinous in the army: command was given for them to tear and cast away the papers, which was done.

Captain Bray, who was the only officer above a lieutenant left among them, (the rest being driven away by the mutinous soldiers, and one of them wounded,) was taken from the head of that regiment and committed to custody, for leading the soldiers to this rendezvous contrary to orders.

Afterwards a council of war being called in the fields, divers mutineers for example's sake were drawn forth, and three of them were tried and condemned to death; and one of them (to whose turn it fell by lot) was shot to death at the head of the regiment, and others taken into hold to be tried for the same mutiny: colonel Rainsborough's and colonel Harrison's regiments saw their errors and submitted.

The lords desired the commons' concurrence to a letter of thanks to the general, and that the late proceedings in London, tending to divide the army, be examined; and that provision be made for sudden pay for the army for the future, and a satisfactory way for arrears, and the act of indemnity to be full.

That major Scot may give an account of his doings, and that colonel Rainsborough may not go to sea till he hath cleared himself.

Orders for 5000*l.* for his majesty's present necessities and accommodation, and his household to be dissolved; and a committee to name who shall attend him.

Upon information of a challenge sent by major Murrey to colonel Whaly, major Murrey was sent for in safe custody.

The sickness began to be feared in London, where it was 279
begun.

17. Both houses passed a letter of thanks and instructions to colonel Hammond.

Order for 700*l.* for sir Francis Willoughby.

Divers new sheriffs appointed, and orders for their accounts to be passed without fees, and for lessening their charge.

18. Letters from the king to both houses.

Letters from colonel Hammond, that he caused a meeting of the gentry of the island, who expressed their readiness to preserve his majesty's person, and to obey the authority of parliament.

That he had given order to restrain any from going out of the island, or from coming in, without passes, or being examined by him; and he desires accommodations for the king.

Order for 10,000*l.* for the garrison of Plymouth, and for discharging the supernumeraries there.

Reference to a committee to consider of the king's expenses, and what they will amount unto, above 50*l.* per diem, formerly allowed.

A committee to consider of the papers and letters sent from the army, and of the late endeavours of the London agents to raise a mutiny in the army; and how exemplary justice may be done upon them; and a declaration ordered upon this whole business.

Another rendezvous was in the Hare-warren near Kingston, of several regiments of horse and foot, who expressed no discontent or disunion, but a ready compliance and subjection to his excellency's commands.

19. Ordinance passed for money for the army.

Lieutenant-general Cromwell gave an account to the house Cromwell.
of the proceedings at the late rendezvous, and how by God's mercy, and the endeavours of his excellency and his officers,

the army was in a good condition, and in obedience to his excellency and the superior officers of the army, and submissive to the authority of parliament.

Lieutenant-general Cromwell had the thanks of the house for his good service at the rendezvous, and the like ordered to all the officers of the army, who were active to suppress the mutinous courses.

The commons desired the lords to appoint a committee to present the propositions to his majesty.

Order that lieutenant-general Cromwell do declare to the general, that the house will be at all times ready to receive, and give such answer as is fitting, in a parliamentary way, to such humble addresses as shall be made from the army to the houses by his excellency.

The king's letter.

The king's letter from the Isle of Wight to the two houses was to this effect.

That he supposed they had received the letter which he left behind him at Hampton-court; according to which, and being in a place of more security than he was there, he still desires and endeavours the settlement of an happy peace; and because religion is the best and chiefest foundation of peace, he begins with that particular.

Religion.

That for the abolishing of archbishops and bishops, &c., he clearly professeth that he cannot give his assent thereunto, as he is a Christian and a king.

Not as he is a Christian, for he avows that he is satisfied in his judgment that this order was placed in the church by the apostles themselves; and ever since their time hath continued in all Christian churches throughout the world, until this last century of years; and in this church, in all times of change and reformation, it hath been upheld by the wisdom of his ancestors, as the great preserver of doctrine, discipline, and order in the service of God.

That as a king, at his coronation, he hath not only taken a solemn oath to maintain this order; but he, and his predecessors in their confirmation of the great charter, have inseparably woven the rights of the church into the liberties of the subject.

That yet he is willing it be provided that the particular bishops perform their several duties of their callings by their personal residence and frequent preaching; and to exercise no act of jurisdiction or ordination without consent of their presbyters; and will consent that their powers in all things be so limited, that they be not grievous

to the tender consciences of others; and sees no reason why he alone, and those of his judgment, should be pressed to a violation of theirs.

Nor can he consent to the alienations of church-lands, a sin of the highest sacrilege, and that subverts the intentions of so many pious donors, who have laid a heavy curse upon all profane violations; which his majesty is very unwilling to undergo, and believes it to be a prejudice to the public good; many of his subjects having the benefit of renewing leases at much easier rates than if the lands were private men's; not omitting the discouragement it will be to all learning and industry, when such eminent rewards shall be taken away, which now lie open to the children of the meanest persons.

Yet to satisfy his two houses, he is content that the presbyterian government do continue as it is now settled for three years, provided that he and those of his judgment be not compelled to comply therewith, and that a consultation about settlement of church-government be by the assembly, with twenty divines to be added to them of the king's nomination.

That in the settlement of the church-government there be full liberty to all those who shall differ on conscientious grounds from that settlement, provided that nothing be understood to tolerate those of the popish profession, nor exempting any popish recusant from the penalties of the laws, or to tolerate the public profession of atheism and blasphemy, contrary to the doctrine of the Apostles', Nicene, Athanasian Creeds; they having been received by and had in reverence of all the Christian churches, and more particularly by this of England, ever since the reformation.

As to the militia, which he avows an inseparable right of his crown, he cannot divest himself and his successors of the power of the sword; yet he will consent to an act of parliament, to place the power of the militia during his reign in the two houses of parliament, and after his reign to return to the crown. Militia.

As to payment of the arrears of the army, he will consent, if the house will remit to him some benefit of sequestrations, compositions, the assistance of the clergy, and the arrears of his own revenue, to pay within eighteen months 400,000*l.* to the army, and if that be not sufficient, he will give way for the sale of forest lands for that purpose. 280

For payment of other public debts, he will consent to such acts as the parliament shall agree upon; and to an act for the naming of officers of state and privy councillors during his reign by both houses of parliament: the commissions to be in his name, and after his reign this right to return to the crown.

He will consent to the taking away of the court of wards, so as a full recompense be settled upon him in perpetuity.

That he will consent to an act to make null all declarations, &c., and to an act of oblivion, that he will give satisfaction concerning Ireland; and although he cannot in honour consent to make void all his own grants under his great seal, and to confirm all acts under the great seal at Westminster, yet he doubts not but upon some proposals to give satisfaction therein to his two houses.

He earnestly desires a personal treaty at London, in honour, freedom, and safety, with his two houses, as the only means to settle peace. And then he desires that the proposals of the army, as to future parliaments and elections, may be considered.

20. Debate for raising money for the army, and upon a letter from the general to the lord-mayor, aldermen, and common-council of London, and another to the committee of the army, that the general had ordered colonel Hewson's regiment to quarter in the city, to assist the committee in collecting the arrears due to the army.

Colonel Hewson.

The house ordered lieutenant-general Cromwell to write to colonel Hewson to forbear marching into the city, and a committee of lords and commons were appointed to acquaint the common-council with the inconveniences that might arise, if they did not speedily collect the arrears due to the army.

Both houses ordered their committee to press the Scots commissioners to consent to the sending of the propositions to his majesty.

Order about placing some of the king's servants about him.

Colonel Jones.

Letters from Ireland informed a late and great defeat given by colonel Jones to the rebels, and that he had beat them off from before Dublin.

The general's head-quarters were at Windsor.

Mr. Bath, a member of the house, was buried, an industrious and honest gentleman.

22. The ordinance committed for setting the poor to work.

City.

Some from the common-council came to the house, with thanks for their care to prevent quartering of soldiers in the city, and with an answer in writing concerning collecting of the arrears of the assessments, and that they had given an account of it by a letter to the general.

The house ordered a committee to prepare an answer to

the city, and voted that they should go on to collect the arrears, and speedily to bring them in.

Order to press the Scots commissioners for their answer touching the propositions, that the sending of them to his majesty may not be further delayed.

Letters from colonel Hammond, that he received by the hands of a messenger from the general the votes and resolutions of both houses relating to the security of his majesty's person.

That as to the vote, not to permit such as have been in arms or assisted against the parliament to come into the island, he had before taken order; and touching the votes last come to his hands, he will with the best of his endeavours see them put in execution.

That as to a warrant for apprehending Mr. Ashburnham, Mr. Leg, and sir Jo. Berkley, he desired the sergeant's deputy to forbear the execution thereof till he might know the further pleasure of the houses; in regard if those gentlemen should be apprehended, it would be very difficult for him to secure the person of his majesty.

That the king said, If these gentlemen should be taken from him, and punished as evil-doers, for counselling him not to go out of the kingdom, but rather to come to this place, for the more conveniency as to settlement of peace, and for endeavouring it accordingly in attending him hither; he cannot but himself expect to be dealt with accordingly, his case being the same.

That these gentlemen have engaged their honours not to depart from him, and having cast themselves upon him, in case they should be removed from thence, it would much reflect upon him.

23. A petition directed to the supreme authority of the nation, presented to the commons, was read and voted to be a seditious and contemptuous avowing and prosecution of a former petition and paper annexed, styled, *An agreement of the people*, formerly adjudged by the house to be destructive to the being of parliaments and fundamental laws of this kingdom. Seditious petition.

Some of the chief actors herein were committed to the Gate-house, others to Newgate, and a letter sent to the general to prosecute the examination of that business to the

bottom, and to bring such guilty persons as he shall think fit to exemplary punishment.

Letters from Bristol of a mutiny in the garrison, and that the soldiers had secured an alderman there till they had a month's pay: the house sent a letter to the general to discharge the alderman, and to prevent the like abuses by the soldiers for the future.

24. The monthly fast-day.

25. Order to press the Scots commissioners for a further and speedy answer touching the propositions to be presented to his majesty, and to take off the commissioners' seal of his bed-chamber at Hampton-court.

Assembly. Some from the assembly presented the Short Catechism to the house, who gave them thanks, and desired them to give a speedy answer to the queries formerly sent them, and to perfect those things referred to them.

A letter to the general from Buckinghamshire, complaining of the unsufferable burden of free quarter, sent by him to the house, and referred to the grand committee, who are to consider of taking off free quarter, and settling a constant pay for the army.

The merchant adventurers lent 10,000*l.* towards the month's pay for the army.

Letters from the general to the city, why he appointed some soldiers to assist in collecting the arrears of the assessments, that he submitted to what the parliament had ordered concerning the stop of that course, and hoped the city would perform their undertaking in the speedy collecting of them, otherwise it might be very inconvenient to the parliament, the army, and kingdom, and themselves.

I attended the house, and laboured in my profession.

281 26. The grand committee sat about pay for the army, and ordered the disbanding of the supernumerary forces.

Lords' conference. At a conference the lords acquainted the commons that they had considered the desires of the king to treat with the parliament, and the Scots papers, and the desires of the kingdom to be delivered from all burdens and fears, and to be preserved in peace.

That their lordships propound to the commons four propositions to be speedily sent to his majesty, to be speedily passed for the safety and security of the parliament and kingdom,

and to treat with his majesty upon the rest. The propositions were,

1. That a bill be passed for settling the militia of this kingdom.

2. That an act be passed for calling in of all declarations, oaths, and proclamations against the parliament, and those who adhered to them.

3. For an act, that those lords who were made after the great seal was carried to Oxford may be made uncapable of sitting in the house of peers thereby.

4. That power be given to the two houses of parliament to adjourn as they shall think fit.

That his majesty giving the kingdom security by passing these four propositions, there may be a personal treaty with his majesty and the parliaments of both kingdoms for passing the rest of the propositions.

Herein they desired the commons' concurrence, who appointed a time to debate this business fully.

A representation was presented to the general, under the hands of colonel Lilburne and the officers of his regiment, acknowledging and promising their obedience due to the general, and praying him to mind the parliament of considering and resolving those things which have been presented to them from the army, and as soon as the necessary great affairs first to be settled shall be transacted, that a period may be set to this parliament. For dissolving the parliament.

Some thought it a piece of high assumption in the army, so often and so earnestly to press the dissolving of that authority under which themselves had so highly acted.

Some of the officers were supposed to have hopes of coming in themselves to be members of parliament upon new elections; others were thought to act upon better principles of the nation's freedom, by not being subjected too long to the same persons in authority.

I was at the chancery bar before seven o'clock this morning, yet the commissioners were set almost an hour before. I also attended the house.

27. Order of both houses for Mr. Solicitor to draw up pardons for some convicted persons at Northampton.

The lords desired the commons to take a speedy course for constant pay for the army, that the countries may not be burdened with free quarter.

A committee appointed to find out the authors of *Mercurius Pragmaticus,* and *Mercurius Melancholicus,* and other pamphlets scandalous to the parliament, to punish them, and the printers and sellers of them, and to seize the impressions of them.

Personal treaty. The commons agreed with the lords to have a personal treaty with the king, after he should have signed the four propositions agreed on by the lords, which were to be sent to his majesty.

City petition. 29. Many citizens of London and others attended the house with a second petition of the same party who petitioned the last week; this petition reflecting highly upon the proceedings of the house, and accusing them of partiality, desiring to know what are their freedoms, and that those committed upon the petition the last week may be released.

The lord mayor and the militia of London gave notice of this petition to the house before it came up, and offered their guards to the house, who sent them thanks for it, and order to bring their guards as there should be occasion, and set a day to debate this petition.

The committee of lords and commons for the business of London agents was made a close committee, with power to send for parties, &c., and to commit to custody.

In these passages we may take notice of the strange workings of God, and of the perplexed condition in which the parliament was at this time.

Army. The army whom they had raised, paid, and commissionated now mutiny against them, and with their swords in their hands control and oppose their principals and masters.

City. The city, the old friends, joint-actors, and constant assistants of the parliament with their lives and fortunes, become full of sedition and averseness towards them, question their integrity, reproach them, and seek to cast them off.

Lord Inchequin. Letters from Ireland certified, that the lord Inchequin marching towards the rebels in Munster was enforced to join battle with them, who were three for one more in number than the protestants, and had the advantage of ground, so that the lord Inchequin's ordnance became useless.

His main battle was hard put to it, and by the cowardice of some like to have been routed, but the lord Inchequin in person, with what horse could be got together, made a despe-

rate attempt upon the main body of the rebels, and gave them a rout.

That colonel Grey with his handful of bare-legged men recovered the ordnance, whereby the rebels' whole force was dissolved; the colonel was slain, and lieutenant-colonel Crispe, captain Love, and some other commanders, and divers wounded, and about an hundred and fifty private soldiers and gunners slain, and many wounded: the whole number of Inchequin's men were not above four thousand.

His men had the pursuit of the rebels seven miles three several ways as long as the day lasted; and in the flight and pursuit were slain of the rebels about four thousand, their lieutenant-general Kilketto, with divers officers killed and taken.

30. The grand committee sat about a constant way of pay for the army.

Captain Piggot, who brought the letters from the lord Inchequin, made a particular relation in the house of the late victory in Ireland, and presented to the house two letters under the lord Digby's hand, found in the lord Taffe's cabinet after the battle. Letters taken.

One was to direct him concerning the king's interest in Ireland, and to preserve the army under his command there, and to please the French agent, and promising him great preferments.

Orders for 1000*l.* for the lord Inchequin to buy him horses, as a favour of the house for his good services; and for letters of thanks to him and to his officers, and for 50*l.* to captain Piggot, and for 10,000*l.* for provisions for Munster. 282

Ordinances debated about money for the army.

The king wrote a courteous letter to sir Thomas Fairfax, that he appointed copies of his letters to the parliament about his withdrawing from Hampton-court to be delivered to sir Thomas Fairfax, and had also sent him a copy of his last message to both houses from the Isle of Wight, in order to the settlement of a good peace; and desires him to employ his credit therein, that Dr. Shelden, Dr. Oldesworth, and Dr. Hammond may be protected in coming to his majesty. King's letter to Fairfax.

December 1647.

1. A petition to both houses from the common-council, acknowledging the supreme authority of parliaments, to City petition.

which all persons ought to submit, craving pardon for former errors of some of the city; and desiring that a constant pay may be provided for the army, so that free quarter may be taken off, and the army enabled to lie at a further distance from the city, that so provisions may be cheaper, and trade encouraged.

They pray that the covenant may be observed, and a good peace established; and that the aldermen and recorder of their city, lately imprisoned, may by the favour of the parliament be released.

Answer. The houses gave them thanks for their good affections, and answered, that some of the particulars desired by them were under consideration, and the parliament would in all the particulars do what belonged to right and justice and the good of the kingdom.

The grand committee sat about taking off free quarter.

The four propositions to be sent to his majesty were read the first time.

2. The grand committee sat about providing a constant pay for the army.

The house debate the petition of the citizens in favour of the agreement of the people, and voted,

Votes about petitions. That it is the right of the subject to petition the parliament, and the right of the parliament to judge of the petitions; that all petitioners ought to acquiesce in that judgment of the parliament, and so they hoped and expected the present petitioners would do.

The impeachment against the earl of Lincoln was read the first time, and a message sent to the lords for further time to bring up the impeachments against the seven lords, which was granted.

Order for the names of the justices of peace of every county to be given in to the several members of each county, that the house may consider of them.

3. Debate all the day long upon the four propositions to be forthwith sent to his majesty: three of them were agreed unto, and the fourth, concerning the militia, was committed.

4. The speaker came very late to the house, and was not able to sit above a quarter of an hour: in the afternoon they sat in a grand committee, to provide a constant pay for the army, and to take away free quarter.

The house adjourned till Tuesday.

The officers in every regiment, in obedience to the general's order, put out all soldiers who had been taken in since the engagement at Newmarket, or that had been of the king's party. They flocked to the head-quarters at Windsor, desiring money to bear their charges, or to return to their several regiments from whence they came.

Those who had formerly served the parliament were, for want of money to pay them off, returned to their regiments, but not the cavaliers or disorderly persons.

A corporal of colonel Lilburne's regiment was sentenced to death by the council of war for putting on the mutiny of that regiment, and five or six troopers to run the gantelope, which was executed at Windsor; but the corporal was reprieved till captain Braye's trial.

Who, being tried in part, carried himself with great pride and arrogance.

The general council of the army were informed of an universal denial of payment of the assessment of the army to make them odious, and by that means to have free quarter taken off.

Twenty resolute fellows designed to rob the exchequer, but were discovered by a waterman, and guards set to meet with them; but sixteen of the company fought resolutely, and made their way through the guards; the other four were taken, much wounded.

I went to the house, but the speaker not being well sent an excuse, that he could not be there till about twelve o'clock; then I overheard some to say, and I was informed by friends, that in case the speaker should continue ill, that they would call me to the chair to supply that place.

I knew the trouble and danger thereof, and was not willing to be speaker, especially in those times; I therefore withdrew myself from the house, and came home to my study.

6. The house sat not because of the speaker's being sick.

German prophet.

The high German prophet published a manifesto of great destruction to be in England, the which he had before told to the king and to the general.

I attended the chancery upon demurrers, and in the afternoon I visited the speaker, and supped at a tavern in a

consultation of lawyers, where Mr. recorder Glyn was one, though a prisoner.

The speaker came to the house, and was well again.

7. A petition from Hertfordshire to be eased of free quarter: the petitioners had thanks for their good affections, and were told that the house was now upon that business, and hoped to give satisfaction therein to the whole kingdom.

An information against a member of the house, that he had been a delinquent, was referred to a committee.

Petitions. A petition from Bucks, and another from Middlesex against free quarter: the petitioners had the same answer as those of Hertfordshire had before.

Great seal. Order to continue the speakers to be commissioners of the great seal for twenty days after the next term.

Colonel sir Hardress Waller and colonel Whaly presented from the general and council of the army the representation of the army, and desired it might have a present reading.

It was read, and referred to a committee, to report what parts of it were fit to be presently proceeded in.

283 1. It takes notice how little hath been done since the speaker's
Army. return from the army.

2. That through this delay there have been dangerous attempts.

3. That notwithstanding, the army is again settled.

4. That the general engaged they should have content in pay.

5. The want of pay occasioning free quarter, but nothing done to take it off.

6. They could have made their own way of pay and destroyed their opposers, but have studied the preservation of all.

7. The parliament have had sufficient cautions, yet supernumeraries, being twenty thousand, are not disbanded.

8. That the pay be enlarged for the whole, and they will engage that no free quarter shall be taken.

Much about arrears and stating accounts.

Till these things settled, they offer, that part of the army may quarter in London till the arrears be levied for maimed soldiers and apprentices' freedom, and all must be done with all possible speed; and if content be not given by the end of this week, they cannot answer for the army, but desire it may be under the conduct of others; and that the impeached citizens may be proceeded against, and the city pay the country's damage by free quarter, occasioned by their not paying the assessments.

8. Upon a report from the committee to whom the representation of the army was referred, order for a committee of six to go to the general and treat with him and his council about disbanding the supernumeraries, and instructions agreed for them.

Votes for pay and provision of money; free quarter to be upon those places which pay not the assessment.

Both houses passed the ordinance of tunnage and poundage, and some other ordinances for money, and for the two speakers to be commissioners of the great seal till twenty days after next term. Great seal.

Mr. Walter Montague had liberty.

Order to exclude private business for eight days.

Letters from the Isle of Wight that the king was much retired: his old servants and chaplains came to him.

Colonel Jones had good success in Ireland.

9. A letter from the king to both houses, taxing them for not answering his last message; and earnestly pressing for a personal treaty, that peace may be settled; the retarding whereof he lays on them, and expresseth his own readiness to consent. Letters from the king.

Order to communicate this to the Scots commissioners.

Proceedings upon the impeachments against the seven lords.

10. Upon a report from the committee, several bills assented to, to be presented to the king, and instructions for the commissioners who are to present them.

A letter from the assembly in Scotland to the assembly at Westminster, ordered to be brought into the house.

Order for fuel and money for the maimed soldiers.

A further day desired to bring in the charge against the impeached members, and an ordinance passed both houses for money for Plymouth garrison.

Many were full of fears of the army's marching up again to London.

11. A petition from the gentlemen of Ireland now in London, complaining of the want of supplies for the forces in Ireland: the petitioners had thanks for their care of that kingdom, and a day set for consideration of that business. Ireland.

Difference upon amendments of the ordinance of tunnage and poundage.

Order to reimburse the commissioners of the customs, and to continue them.

Mr. Scot added to the committee of sequestrations.

The parliament's commissioners conferred with the general about the disbanding of forces, and agreed that there be no addition of forces, and for securing of arrears.

Representations were presented to the general from particular regiments.

I attended the house, and Mr. Selden took me to dinner to the earl of Pembroke's.

13. The speaker acquainted the house with a new design to raise an army against the parliament; the examination of it was referred to a committee.

The lieutenant of the Tower apprehended some suspicious persons there, and the house approved thereof.

Divers compositions were passed.

Some brought out of Ireland referred to the committee at Derby-house.

Order for colonel Mitton to secure sir Faithful Fortescue.

Order for the commissioners of the great seal to present to livings.

The impeachments against the seven lords were long debated.

Letters from the commissioners at Windsor of their proceedings.

Letters from York of a soldier's being censured by the council of war to a week's imprisonment, and diet of bread and water, for being unruly at his quarters, and not contented with his diet: another cashiered, and to stand with a paper in the market-place, and to be whipped.

Another shot to death for killing a man.

Commissioners to the king.

14. The lords finished the four bills to be sent to his majesty, and named the earl of Northumberland, Kent, Rutland, Pembroke, and Salisbury to be their commissioners to present them.

The commons concurred, and named for their commissioners, Mr. Bulkley, Mr. L'Isle, Mr. Robert Goodwin, and Mr. Kemp for their commissioners, or any three of both houses.

Order for money for Ireland.

Divers compositions passed.

15. Ordinance for salaries for the officers of the committee of accounts.

Another passed for addition of members to the committee of the navy.

The Scots commissioners desired time to consider of the four bills to be presented to his majesty.

Vote of both houses for the country committees to certify the full value of all sequestered estates.

The house in the afternoon passed an answer to the Scots commissioner, that bills passed both houses are not to be altered by any other, and that they are resolved to send their commissioners by Tuesday next, and desired that the Scots commissioners would send their propositions at the same time. Answer to the Scots.

Women were at this time churched in this manner: the minister made an extemporary prayer, wherein he gave thanks to God for the woman's being safely brought to bed, 284 and for her coming abroad again, and for the health of the child, and concluded with a prayer for the blessing of the Lord upon the mother and the child, and upon all the family.

16. Report from colonel Lilburne's committee.

An ordinance for repairing churches and chapels.

Ordinance sent to the commons for turning delinquents out of the lines; another about choosing common-council-men, and other officers in London, and about compositions.

17. Ordinance passed for all delinquents to go twenty miles from London, and another about choosing of common-council-men; malignants, and such as abetted the late force against the parliament, to be uncapable to be chosen.

Order for 5000*l.* to be paid to Mr. Hampden's executors.

An ordinance passed for setting poor people to work.

A letter with an enclosed declaration from the Scots commissioners.

Order about the guards of the house.

Ordinance passed for captain Edward Harley to be vice-admiral of the north, &c.

Reference to the committee of the navy about the Isle of Providence.

Letters from Windsor of a good agreement between the parliament's commissioners and the general council of the

army, about the particulars before mentioned, and for the army's being drawn into garrisons, and all free quarter to be taken off, so as they may have constant pay. Deans' and chapters' lands desired for security.

A petition of the farmers in Surrey to the general about free quarter; and their landlords refusing to deduct of their rents for the free quarter, they desired the general to move the parliament for their relief herein, who recommended it to the houses.

18. Mr. Marshall and Mr. Nye appointed to go chaplains to the commissioners to the Isle of Wight.

Divers compositions passed.

Order for colonel Nedham's arrears to be audited.

One of colonel Lilburne's regiment condemned to die by the council of war for raising the mutiny at Ware, and others to run the gantelope.

Captain Grey and major Cobbet tried.

I attended the house, where we had a high and insolent paper from the Scots commissioners.

20. The commissioners ordered 200*l.* for their charge to go to the Isle of Wight.

Armagh. The primate of Armagh continued preacher at Lincoln's-inn.

Referred to a committee to examine what delinquent ministers did preach or read the Book of Common-Prayer, and to silence them; which was much opposed by me and others, as contrary to that liberty of consciences which they themselves pretended to insist upon as due to every Christian.

It was carried in the negative upon the question, that deans' and chapters' lands should not be security for the arrears of the soldiers, but that it should be out of the remainder of bishops' lands, and out of forest lands and the excise.

Several compositions were passed.

Declaration. Scots commissioners. Debate upon the declaration from the Scots commissioners claiming in high language a joint interest with the parliament of England in the settling of peace in both the kingdoms, and protesting against the four bills, and they press for a personal treaty at London.

They enforce, *Let that be given to God which is God's, and to Cæsar that which is Cæsar's*, and puts them in mind of their professed loyalty.

An answer was agreed upon in like high terms to their declaration.

21. Order for an ordinance for further indemnity for the soldiers; and for another to draw the forces into garrisons, and for a declaration of the necessity that hath been to keep up an army, and to take free quarter; and that if the kingdom will pay in six months' arrears of the 60,000*l.* per mensem, that then the other three months' arrears will be remitted; and no officer shall come into any man's house without his leave, nor no soldier, except in inns, alehouses, taverns, and victualling-houses.

The printer committed for printing the Scots declaration without leave of the house.

Orders for preserving the arms of such as shall be disbanded from being embezzled, that the forces to be disbanded shall have two months' pay; and divers compositions were passed.

Major Cobbet sentenced by the court-martial to be cashiered.

22. Debate of an ordinance for reimbursing the commissioners of the customs, and they to be removeable at the pleasure of both houses, their money being paid.

An ordinance passed for the maimed soldiers; another committed for securing the soldiers' arrears; another passed for stating the accounts of the army; another passed to make a committee in Kent, to hear differences about military affairs, and to give indemnity.

Order for the members to go into their several counties, for collecting the arrears of the assessment.

23. The trustees for bishops' lands were made trustees for delinquents' lands and forest lands, for security of the arrears of the soldiers.

Vote, that the 15th of January next the army shall be drawn into garrisons, and free quarter taken off, and that the remainder of bishops' lands should be security also to the soldiers.

Orders about collecting the assessment of 60,000*l.* a month.

24. Letters from the general to the house, with a paper of the result of the council of war at Windsor concerning quartering of the soldiers in inns, alehouses, &c., referred to the

committee of the army, to confer and consider with the general and his officers about it.

A petition of divers citizens who were abused the last year for opening their shops on Christmas-day, though an ordinance of parliament did warrant it.

Order that the committee of the militia of London and Westminster should take care to prevent the like inconveniences, and to put out of the lines all delinquent ministers.

Order upon the general's letter for colonel Rainsborough to go forthwith to his charge at sea, as vice-admiral.

Army. At a council of war some officers acknowledged their errors upon former passages, and desired to be readmitted into the favour of the general and his council, which was approved;
285 and the officers kept a fast, where Cromwell, Ireton, colonel Tichburne, and other officers prayed, and from scripture exhorted to unity and obedience to commands.

25. Christmas-day the shops were all shut up in London, notwithstanding the ordinance to the contrary.

The houses sat, and upon complaint that some delinquent ministers preached on this day in London, and that the Common-Prayer Book was used in several places, power was given to the committee of plundered ministers to examine and punish churchwardens, sequestrators, and others who countenance the same.

Order to put in execution the ordinance for abolishing holy-days.

A printed paper directed to the speaker, entitled, *Observations on the Scots message to the parliament*, referred to a committee, to find out the authors and printers of it, being very scandalous to the king, parliament, and army.

Saltmarsh. Mr. Saltmarsh, the minister, affirmed that he had somewhat revealed to him from heaven, wherewith he must acquaint the army; and presently went from his house in Essex to Windsor, where he spake with the general with his hat on, and told him, he had doted on him, but now must honour him no more, because he had imprisoned the saints.

He also told the officers of the army, that formerly he came to them as a lamb, but now he was come as a lion, to tell them what the Lord had revealed to him; that though the Lord had done much by them and for them, yet he had now forsaken them, and would not prosper them, be-

cause they had forsaken him, their first principles, and had imprisoned the saints; with many of the like expressions.

He then told the army, he had delivered his message, done his work, and must leave them, and see them no more; and so went from Windsor to London, and from thence to his house in Essex, where, being ill, on Friday he told his wife, he had now finished his course, and must go to his Father; and the next day he died.

27. Orders for money for the navy.

Colonel Rainsborough.

At a conference, the commons informed the lords that colonel Rainsborough had cleared himself of the objections formerly made against him, and now, at the desire of the general and his council, the commons had voted him to be re-admitted to his employment of vice-admiral, and desired their lordships' concurrence therein.

Debate upon a petition of doctor Trigge.

Some compositions of delinquents passed.

Letters from the commissioners sent to the king.

Isle of Wight.

That they presented the bills and propositions to his majesty, who then said, he was assured they would not expect a present answer, but he would take the same into consideration, and give his answer within few days.

Scots commissioners.

The next day after the four bills presented to the king, the Scots commissioners came to him and presented to him a declaration, that they had endeavoured by all means to the parliament of England for furthering a happy peace, having seen the propositions, and understood of bills brought to his majesty, which they apprehend prejudicial to religion, the crown, and the union between the kingdoms, and therefore, in the name of the kingdom of Scotland, declare their dissent.

The general sent his letters to major-general Lambert, major-general Langherne, major-general Mitton, major Hopton, colonel Humphreys, colonel Duckenfield, and colonel Venables, concerning the disbanding supernumeraries.

Ireland.

Letters from Ireland of colonel Jones's marching into Wicklow, that his regiment conformed, that Owen Roe Oneal was by the popish clergy, opposing the laity, made generalissimo of the rebels, and general Preston cast off; that sir Charles Coote was gone into the field, but sir Robert and sir William Steward's regiments refused to march with him.

That the soldiers under the lord Inchequin, in the last

victory they gained, fought all of them with the greatest courage imaginable, though they wanted clothes, shoes, and bread.

28. Debate of an ordinance for 800*l.* per annum, to be settled on the bishop of Durham.

Newcastle. A petition from Newcastle complaining of the sore burden upon them of free quarter, when the Scots were there, and ever since; and the oppression not so great in any other part of the kingdom.

Order that they shall have the public faith for all free quarter since the Scots were there.

Orders for ammunition for that garrison, and touching the sequestrations there and in Northumberland, to pay money due to those countries.

The lords dissented from colonel Rainsborough's going to sea, and gave their reasons for it at a conference.

A message from the lords to give the marquis of Winton four months' longer time of liberty, and to consider of the petition of the lord Cromwell.

A letter of thanks written to the commissioners in the Isle of Wight.

Divers compositions passed.

Many seemed full of trouble at the differences betwixt the parliament and the Scots, whom they feared inclining to begin a new war with the parliament.

29. The monthly fast-day.

Christmas-day. News came of a great disorder and tumult in Canterbury about the observation of Christmas-day: the mayor, endeavouring the execution of the ordinance for abolishing holydays, was much abused by the rude multitude, had his head broken, and was dragged up and down till he got into an house for his safety.

They broke into the houses of divers others, who were of the mayor's opinion, put themselves into a military posture, kept guards, stopped passes, and examined passengers; and the like insurrections were in several other places of the kingdom.

30. Upon a letter from the committee of Kent of the disorder at Canterbury,

The house ordered, that the order for examining and committing of churchwardens, &c. who countenanced malignant ministers should be printed, and referred the business of the

riot at Canterbury to the committee, with power to send for parties, &c., and to imprison, and to certify the whole matter to the house.

The like riot at Eling in Middlesex was referred to be examined and proceeded against at the sessions of peace.

Letters from the general, that he had given a commission to sir Arthur Haselrigge to be governor of Newcastle, which the house approved, and ordered him to repair thither to his charge.

Mr. Harris, a churchwarden of St. Martin's parish, ordered 286
to be committed for bringing delinquents to preach there, and to be displaced from being churchwarden there.

31. Letters from sir Thomas Fairfax, that by reason of a late mutiny, and design to carry away the king, he had given order to colonel Hammond to keep a strict guard upon his majesty's person, till he further knew the pleasure of the parliament. The house approved thereof, and ordered the general to take special care for securing the person of his majesty, where he now is in Caresbrooke-castle. The king's person.

And they ordered that colonel Hammond, the governor of the Isle of Wight, take special care for securing the king's person, where he now is; and to observe such further orders therein as he should receive from the general; and the lords concurred herein.

The parliament's commissioners returned from the king with little satisfaction touching the four bills presented to him.

The house ordered that Mr. Marshall and Mr. Nye be desired to come and pray with the house to-morrow morning, to seek God for his blessing and direction in their consultations, tending to matters of great concernment.

The general council of the army agreed upon warrants to be sent from the general to all those officers whose soldiers were to be disbanded according to the orders of parliament, that they conform unto and see the same done accordingly, and mention of the stating their accounts and security for their arrears, with present pay of part of them in the warrants.

The officers of the army fully complied with the parliament's commissioners, and at their parting all expressed much joy, and the general council, that they would live and die with the

parliament, and gave the commissioners twenty-five guns from the castle at their going away from Windsor.

January 1647.

Mutiny. Isle of Wight.

1. Letters from colonel Hammond, of the great mutiny two days since in the Isle of Wight, in Newport, when the parliament's commissioners went away: that the mutineers designed to seize upon Caresbrooke-castle, and to take away the king: that captain Barley and others of the mutineers are in custody, and the king yet secured at Caresbrooke-castle, and stronger guards set upon him than formerly.

Divers letters came from the parliament's commissioners at the Cowes to the same purpose.

Some related (not without ground) that Mr. William L'Isle had undertaken to provide a ship for the king's escape out of the Isle of Wight; but the ship failed, not without some reflection upon the undertaker, and the king's escape was thereby prevented.

Order for vice-admiral Rainsborough to repair with some ships to the Isle of Wight; and the house approved the order of the commissioners for some of the parliament's ships to attend at the island.

Order for the general to give commission to colonel Hammond to try by martial law the actors in that mutiny, and a commission of oyer and terminer to try the others.

Order for a letter of thanks to the mayor and well-affected inhabitants of Newport, for their good affections expressed upon the late mutiny, and for money for the soldiers there.

Sir William Constable, lieutenant-colonel Goffe, and lieutenant-colonel Salmon sent from the general into the Isle of Wight.

More forces sent thither, and Mr. Ashburnham, sir John Berkley, Dr. Shelden, and the rest of the king's retinue were discharged.

3. Upon a long debate, from morning till late at night, of the king's last message, and the report of the commissioners who presented the four bills to him, and his not giving any satisfactory answer thereunto, the commons passed these votes.

Votes for no addresses.

1. That no more addresses be made from the parliament to the king, nor any letters or messages received from him.

2. That it shall be treason for any to deliver any message to the king, or to receive any letter or message from him, without leave of both houses.

3. That the members of both houses, of the committee of both kingdoms, have power to sit, and act alone (as formerly the committee of both kingdoms had) for the safety of the kingdom.

4. That the earl of Kent, sir John Evelyn, and Mr. Fines, be added to that committee in the rooms of the earl of Essex, sir Philip Stapleton, and Mr. Glyn.

5. That a committee draw up a declaration to satisfy the kingdom of the reason of the votes.

6. That the concurrence of the lords be desired to them.

The general and his council published a declaration, reciting the orders of parliament: they do now declare and assure, that the army, by the fifteenth of January next, according to the said directions, shall be drawn into towns, cities, and garrisons, and that, the parliament supplying the soldiery with pay, no free quarter shall be taken after that day upon any that pay their assessments, nor any enforcement for horse-meat or man's meat during the pay.

4. The commons considering the many weighty affairs which prolong this session of parliament, and being willing to forbear their own privilege for the public good, they did order,

That from the twentieth of this January no person under the authority of that house, except the members thereof, shall during this session of parliament have any protection or immunity by reason of any privilege of this house, in any suit for debt, or upon contract or security, or upon any title to lands, &c.: Privileges.

Their estates to be liable, but not their persons to be imprisoned, nor prosecuted upon penal laws; and if they refuse to appear to any suit, the house being moved therein will do justice; and appointed a committee to hear and report complaints of this nature.

A committee of grievances was named to consider of such whereof redress hath been promised to the people, and what ease is fit to be given in relation to their burdens, freedoms, and liberties, and of reforming courts of justice, and proceedings in law, and in all matters of trade, and to prepare ordinances for the same to be presented to the house.

Orders for money for disbanding the supernumeraries, and

287 for supplies for Caresbrooke castle, and other forts in the Isle of Wight.

Several compositions were passed.

Isle of Wight. Letters from the Isle of Wight, that the king was much discontented since the insurrection at Newport; that he much desired Dr. Shelden and Dr. Hammond might continue with him, whereof colonel Hammond gave notice to the parliament and to the general.

5. Debate about compositions.

Power given to colonel Hammond and sir William Constable to place and displace such attendants about the king as they think fit for security of his person.

Order for allowance for his attendants.

Divers compositions passed.

Both houses passed some additional directions for billeting the army when they are upon a march or settled in their quarters.

The civil officers to join with the quartermasters of the army, and what the soldiers shall have, and what he shall pay for it.

6. Order touching relief of widows and maimed soldiers.

Pamphlets. One presented to the house a book concerning the power of civil magistracy, for which he was committed; and the committee about scandalous pamphlets ordered to sit, and money ordered to gratify such as shall discover presses or authors of scandalous pamphlets.

Order for supplies of garrisons.

7. Order for a letter of thanks to the committee of Kent, for their care in suppressing the tumult in Canterbury, and for a commission of oyer and terminer to try the chief mutineers there.

The commons agreed with the lords for further liberty upon bail for the marquis of Winton and earl Cleaveland.

8. More power given to the committee of grievances, and order for the printing of that business.

Order of both houses to restore to duke Hamilton his pictures.

An ordinance sent up to the lords to prohibit the transportation of wool and of fuller's earth and of Irish wool.

Order for a further ordinance against scandalous pamphlets, and reports from that committee to have precedence.

Upon a petition of the primate of Armagh,

Order for him to continue preacher at Lincoln's Inn.

The general council of the army sat at Windsor, and were very unanimous in the results of their debates; and to-morrow they were appointed to dine with the general in the castle, to congratulate the unity of the army, and to take leave of one another, before the army's going into towns and garrisons after the fifteenth of this month.

10. Upon a report from a committee of some papers and warrants taken in the time of war, as a warrant under the king's hand for diverting the ships pretended for the relief of Rochel; another, for sending ammunition to York in the beginning of the war; the house ordered the committee to print such of them as they thought fit. Papers taken.

Divers sheriffs passed.

Order for a judge to go down upon the commission of oyer and terminer, to try the mutineers in the Isle of Wight.

Order for a collection for Bridgenorth, and no collection to be but under the great seal.

Letters from the Isle of Wight informed, that the king sent for the governor, colonel Hammond, and asked him the reason why he had given order for dismissing his majesty's servants, and whether it stood with the engagement to them who had so freely cast themselves upon him, and with his honour and honesty: Isle of Wight.

That the governor told the king, that his honour and honesty were in the first place to them that employed him, and next, that he thought the king could not but confess that he had done more, as things stood, for him than he himself could have expected.

Then the king asked him whether the commissioners were privy to this order. He said, No. The king demanded of him by what authority he did it. He said, by authority of both houses of parliament, and that he supposed his majesty was not ignorant of the cause of his doing thus. The king professed the contrary; and the governor replied, that he plainly saw his majesty was acted by other counsels than stood with the good of this kingdom.

The garrison of Hull sent letters of thanks to the general for continuing colonel Maleverer to be their governor.

11. Sir Hardress Waller acquainted the house, that the Army's address.

general had commanded seven colonels of them, with other officers of quality, in the name of the army, to make their humble address to the house, and they have presented their intentions in writing, in that which is called a Declaration, which shall either have name or life, or be exposed to view, according as it shall receive approbation and direction from the house.

It was to this effect:

Reciting the high violations of the kingdom's rights and liberties, and endeavour to swallow them up in the power and will of a king, the necessity of the parliament's vindicating the kingdom, and their tenderness towards the king's person and rights, so as might be consistent with and not destructive to the great and more obliging interest of religion, and the rights and liberties and safety of the kingdom, and not otherwise.

That the army have declared, and endeavoured the same, and several addresses have been made to the king for those ends; and in the parliament's last address to him they insisted only upon some few things, so essential to the interest of the kingdom, that, without betraying the safety of the kingdom and themselves, and all engaged with them, and without denying that which God in the issue of this war hath been such a testimony unto, they could not go lower; and those things granted, they have offered to treat for all the rest.

That upon the king's denial of these things, they can see no further hopes of settlement or security that way.

Therefore, understanding that, upon debate of that denial, added to so many others, the house of commons by several late votes resolved not to make any further address or application to the king, nor receive any from him, nor to suffer either in others,

They do freely and unanimously declare, for themselves and the army, that they are resolved (through the grace of God) firmly to adhere with and stand by the parliament in the things then voted, and in what shall be further necessary for prosecution thereof, and for settling and securing the parliament and kingdom without the king, and against him, or any other that shall hereafter partake with him.

This Declaration was twice read, and the house voted that they did approve of it, and ordered that the thanks of the house be returned to the general and the army for it.

288 A petition from the provincial assembly of London re-

ferred to the committee of grievances, and the petitioners had thanks.

An ordinance read and debated for collecting 20,000*l.* a month for the service of Ireland.

Order for 10*l.* to bury captain Harris his widow.

12. The house gave thanks to some merchants who had procured a collection of charity in the United Provinces of 31,218*l.* for the relief of Ireland. Ireland.

Order for raising 40,000*l.* forthwith for the navy, and 30,000*l.* more as soon as may be.

Order about sending some divines to the Isle of Wight.

Letters from vice-admiral Rainsborough, that he had appointed a guard of ships for the Isle of Wight, and for the Irish coasts.

Order for 5000*l.* for the lord Brook's son.

Both houses passed an ordinance for 40,000*l.* to be raised out of the earl of Worcester's estate for the service of Ireland.

Several compositions passed.

13. An ordinance passed for repair of the church of Taunton.

A petition from the East India Company referred, and another from the Levant merchants.

Divers compositions passed.

14. Order that delinquents be put out of the line.

Upon information of a new design of the king's party,

Orders for remanding the earl of Cleaveland to the Tower; and for sir Lewis Dives to be kept in safe custody, and for Mr. Solicitor to prosecute him; and sir Jo. Stowel and judge Jenkyns to trial the next term; and that the lord mayor and justices do cause to be prosecuted at this sessions the late rioters in Fleet-street.

Order that the general take course for the safety of the parliament: and that he send some horse and foot to be quartered within the liberties of Westminster; and, to prevent inconvenience to the inhabitants, that the foot be quartered in Whitehall, and the horse be quartered in the Mews.

15. The lords agreed to the votes of the commons, that no more addresses be made to the king; and the commons agreed with the lords' preamble to those votes, and that they be printed and published, and that all who shall do contrary to those votes shall be sequestered.

Power to the militia to employ persons for the finding out and apprehending delinquents who stay within the lines.

Divers compositions passed.

16. Part of colonel Baxter's regiment quartered in Whitehall.

17. Debate touching sequestrations, and against the partiality of committees.

Scots commissioners. Papers from the Scots commissioners, that they were speedily to return to Scotland; and their desire of an answer of former papers, and what they shall return to the parliament of Scotland; and about the arrears due to that kingdom.

Orders for money for Dover-castle.

Some delinquents committed who stayed in London contrary to the ordinance; and order given by the house to the regiments at Whitehall and the Mews, to apprehend and bring before a justice of peace such papists and malignants as they shall find in town contrary to the ordinance.

The house passed a declaration upon the votes touching the king's person, and ordered those to be sequestered who shall do any thing contrary to those votes; and they were ordered to be printed and published.

Declaration to the lords. A declaration was presented to the house of peers from the general and his council of war, that they resolved to endeavour to preserve peerage, and the rights of the peers of England, notwithstanding any scandals upon them to the contrary.

The officers who presented this declaration were called into the lords' house, and desired to return the thanks of the house to the general and to the council of war and the officers of the army.

18. Mr. Chapman referred to the committee of complaints, for sending a warrant to summon a meeting of the country near Reading to consider of a petition.

Library. The manuscripts and books in Whitehall, because of soldiers being there, were ordered to be removed to St. James's house, and placed there; which Whitelocke furthered, in order to the preservation of those rare monuments of learning and antiquity which were in that library.

Debate touching the Scots papers, and the arrears due to that kingdom.

The lords informed the commons at a conference of a meeting under pretence of agreeing to a petition to the parliament, where lieutenant-colonel Lilburne and others spake very disgracefully of the two houses; and that there appeared to be a design of many thousands intended, under a colour of a petition, to dishonour the parliament and their proceedings. Lilburne.

That their lordships had sent to the lieutenant of the Tower to know why he permitted lieutenant-colonel Lilburne, whom they had formerly committed to his custody, to go abroad; who returned answer, that he had an order for it from the house of commons: and the lords desired that no occasion might be given to hinder the union and affection between the two houses.

Upon much debate of this business by the commons, they repealed their order formerly made for lieutenant-colonel Lilburne's liberty, and ordered him to be brought to their bar to-morrow; and they further ordered that Mr. Wildman be taken into custody by the sergeant-at-arms. Wildman.

19. Lieutenant-colonel Lilburne was called into the house, and made a large answer to the information against him. The reading of proofs and examination of the business held till six o'clock at night, and then the house ordered that he be committed to the Tower, and be tried by the law of the land for seditious and scandalous practices against the state: 289

And that major Wildman be committed to Newgate, and tried according to law, for treasonable and seditious practices against the state:

That Mr. Solicitor and all the lawyers of the house take care to prepare the charge against them, and to bring them to trial next term.

The lord Willoughby and other impeached lords sent a letter to the house of peers, that, after so long a restraint, and no prosecution against them, they might have their liberty.

The lords discharged them of their imprisonment, and ordered a declaration to be drawn, that no peer shall hereafter be under restraint upon a general charge above ten days.

This gave great offence to many of the house of commons, which they showed afterwards.

Upon letters from the general, that one lieutenant-colonel Lee, in office about bishops' lands, had intercepted letters

which the general sent to colonel Lilburne, governor of Newcastle, and had opened and detained some of them, the house referred it to a committee to be examined and punished.

Lilburne and Wildman.

20. Upon information that lieutenant-colonel Lilburne and major Wildman were not carried to prison, according to the order of the house, and that some of their party had given out words that they should not go to prison, and that there was a great meeting to be at Deptford in Kent about their petition,

Ordered, that the officers of the guards do assist the sergeant in carrying of them to prison, (which was done,) and that the committee of Kent take care to suppress all meetings upon that petition, and to prevent all tumults, and that the militia of London &c. take care to suppress such meetings, and to prevent inconveniences which may arise thereby; and upon the said petition, entitled, *The petition of many thousands of the freeborn people of England*, &c., they ordered a declaration to undeceive the people, to show them the dangerous consequences that will arise by such practices.

The house passed a declaration of their real intentions to pay the remainder of the money due to Scotland, and several ordinances for the advancing of it.

21. The house sat all day in a grand committee about the business of Ireland.

22. Order for a new ordinance to suppress all stageplays, and for taking down all their boxes and seats where they act; and they ordered that the lord mayor, sheriffs, and justices of peace, and committees of the militia, &c. take care to suppress all stageplays for the future.

An ordinance passed both houses for making the earl of Pembroke chancellor of Oxford.

Some added to the committee of safety, and the committee required to take care for suppressing all tumults and insurrections, &c.

Tumults.

Rumours increased of tumults like to be in the city, and many spoke disgracefully of the parliament.

24. Upon letters from vice-admiral Rainsborough, that the ships of the Irish rebels were in many roads, and had taken divers of our merchants' ships, and that care might be taken for making ready the summer's fleet, the house ordered 70,000*l.* out of the excise for the use of the navy.

Captain Burley was tried upon a commission of oyer and terminer for the late insurrection in the Isle of Wight, and the jury found him guilty of high treason, and judgment was given against him, but execution respited. Others of the conspirators were found guilty of a riot, and were deeply fined. Isle of Wight.

The grand jury of Hampshire, at the execution of the commission of oyer and terminer, presented a declaration to be presented to the house of commons, wherein they acknowledged the goodness and wisdom of the parliament in the votes of no further addresses to the king, and declared their readiness to join with the parliament in settling the peace of the kingdom.

The house of peers ordered an ordinance to be drawn, giving up the lords, who by reason of their offences had not liberty to sit in parliament, to be prosecuted by suits of law, and their attendants, as if there were no parliament.

Order for the earl of Salisbury to have the refusal of the purchase of Worcester-house at the rate of bishops' lands.

Several ordinances passed both houses for 100*l.* to sir Arthur Blundell, and for 100*l.* to sir John Burlace, for addition of committee-men, against papists and delinquents about London, for 50*l.* to captain St. George, and for the committee at Derby-house.

Letters from Kent, that the tumults there were quieted.

A letter of thanks ordered to the gentry of Hampshire.

Order, that the committee, who are to go into the several counties for disbanding the supernumerary forces, take care to disband troop after troop and company after company, till they be all disbanded; and the general desired to give his orders therein. Disbanding.

Letters of a design of colonel Kempson's, colonel Ayres's, colonel Herbert's, and colonel Cooke's, officers of their regiments, consulting, about eighty of them together, to surprise Gloucester, and other forts thereabouts, upon assurance that colonel Langherne and the discontented Londoners would join with them. Discontented officers.

This was referred to the committee at Derby-house.

25. Order for the committee of the revenue to retrench the king's servants, and upon the governor's letter 1000*l.* ordered for repairs of Carisbrooke-castle.

The commons named Mr. Goodwyn, Mr. Ashurst, Mr. Stapleton, and colonel Birch their commissioners to go into Scotland.

An ordinance passed both houses for pardons to be passed under the great seal for some prisoners in Newgate: another, for the sale of Worcester-house to the earl of Salisbury: another, for making major-general Mitton vice-admiral of North Wales.

26. The monthly fast-day.

Ireland. Letters from Ireland of the lord Inchequin's success in Limerick, but the extreme want of his soldiers of food and raiment compelled his return.

That there were differences amongst the chief of the rebels: the lord Taffe was chosen their general.

27. Upon letters from the committee of Kent, the house voted trial of more of the rioters of Canterbury by a commission of oyer and terminer.

Lord Willoughby. The charge against the lord Willoughby of Parham passed the house, and ordered to be sent up to the lords, wherein I did him what service I could to pacify his adversaries, but they were sharply bent against him.

The eleven members. Debate of the charge against the eleven members.

290 The charge against sir John Maynard passed, and ordered to be sent up to the lords; and ordered that Mr. Hollis, sir William Lewis, Mr. Nichols, sir John Clotworthy, sir William Waller, colonel Massey, and colonel Long, be disabled to sit as members of the house.

The lords named the earl of Denbigh and the earl of Stamford commissioners to go into Scotland.

28. The ordinance for settling the presbyterian government, and for removing obstructions therein, sent up to the lords.

Part of the instructions assented to for the commissioners that are to go into Scotland.

Upon information that divers discontented persons met in the west, and, under pretence of apprehending highwaymen, themselves committed many robberies,

Order for the general to suppress all such.

Money ordered for the commissioners who are to go into Scotland.

Reference to a committee to consider of removing pri-

soners out of the Tower to other prisons for security of the magazine, and of the lieutenant's fees.

29. Voted, that the rest of the eleven members should be impeached of high treason, as sir John Maynard was; except sir William Lewis, who was to be impeached of high crimes only.

The house considered of recommending a successor to Mr. Glyn to be recorder of London; to which place divers of my friends would fain have named me, and many of the citizens were desirous to have me for their recorder; but the place being extremely full of trouble and clamour, and mostly upon business of life and death, wherein I was not fully satisfied in some points of our law in criminal cases, and cases of blood, I took off my friends from naming me, especially at this time, the city being so distracted and tumultuous:

And upon consideration of the good service done by Mr. Steel in the business of captain Burley and other affairs, they recommended him to the city to be their recorder.

Voted to impeach the rest of the seven lords, as the lord Willoughby was impeached.

The lords named the earl of Nottingham in the place of the earl of Denbigh to be one of the commissioners to go into Scotland, and had sent up to them the instructions for the commissioners.

Sir William Constable's regiment marched into Gloucester, and colonel Morgan's forces marched from thence.

31. An ordinance passed the commons for dividing the parish of Rotheram in Kent.

The charges carried up against the lords, and desired that they may be proceeded against according to the laws and customs of parliament.

Reference to the committee of foreign affairs to examine an information touching the raising some forces here for the Spanish ambassador without leave of the parliament.

Order for payment of arrears of some of the Scots officers.

Debate of the ordinance for suppressing of stageplays.

The lords' concurrence was desired to recommend Mr. Steel to be recorder of London.

A petition of the officers sent out of Ireland to have their liberty.

The ordinance passed both houses for dividing and settling the several counties into distinct classical presbyteries and congregational elderships.

The disbanding went on in the north.

Rumours of preparations for war from Scotland.

February 1646.

1. Orders for providing money for the next summer's fleet, and about the customs.

An ordinance sent up to the lords for 20,000*l.* per mensem for Ireland.

Rioters. Order to prosecute the late riotous persons, and that Mr. Jermy and Mr. Steel be of counsel with the state against them, and Mr. Beck to be the solicitor.

An ordinance for repair of churches assented to.

Letters from Ireland, that colonel Jones, for want of corn and clothes for his soldiers, was enforced to leave the field.

2. The examination and punishment of the late authors of the force against the parliament referred to the judges.

An ordinance appointed that the probate of wills shall be, as heretofore, by the civil law proceedings.

The king's household. Order to dissolve the king's household, and the committee of revenue to pay them off, and the general to appoint attendants upon the king, not exceeding thirty.

Sir Henry Mildmay had the thanks of the house for his good service in Hampshire at the trial of captain Burley, &c.

Seven impeached lords. The house of peers ordered the seven impeached lords to give security for their appearances, and to answer the charges against them by a day.

3. Votes for legacies, administrations, marriages, divorces, suits for tithes, &c. to be by the same law as formerly.

Referred to a committee to consider of some speedy course to prevent the sale or pawning of the crown jewels.

An ordinance sent up to the lords for conveying the earl of Newcastle's manor of Flawborough in Nottingham to a member of the house, in satisfaction of his losses by the earl.

Upon letters of general Leven, order for 1000*l.* for Mr. Robert Fenwick, for his losses and good affections.

Both houses passed an ordinance to make Mr. Strong minister of St. Dunstan's.

4. Debate upon the Confession of Faith.

The general was feasted in the city by the lord mayor with many of his officers. City.

5. Referred to colonel Hammond to remove such attendants about the king as the colonel cannot confide in; and to appoint eight such persons to attend his majesty as he shall think fit, and can confide in, till the general hath settled the family according to former order.

Debate about the declaration touching non-addresses to the king.

Sir John Maynard, one of the eleven members, appealed from the judgment of the lords, by a paper spread abroad, saying, their lordships were no competent judges of him. The lords advised with two judges' assistants as to matter of law, and ordered sir John Maynard to be remanded to the Tower, fined 500*l.*, and have sixteen days to bring in his answer. The eleven members.

7. Upon a long debate touching the declaration about non-addresses to the king, it was recommitted, for some additions to be made concerning warrants signed by the king in Scotland to such as were engaged in the Irish rebellion, where the lord Dillon and lord Taffe were with the king, and other things relating to the Irish negotiation, his majesty's proclamations, and his negotiation with the pope, his sending agents to popish princes, seignior Con's being received here, &c. 291

Letters from the north, of the auditing the soldiers' account: that the business of disbanding is more easy: that those who are not to be disbanded are drawn into market-towns: that there are rumours still of dangers from Scotland.

Letters from Ireland, that colonel Pudsey took in four small castles from the rebels: that sir Henry Titchburne destroyed 60,000*l.* worth of corn in the rebels' country: that colonel Jones and colonel Monke intended to join upon a design: that colonel Conwey fell into the rebels' quarters, and took forty horse, killed fourteen men, and brought away much cattle.

8. Debate about the Confession of Faith.

Orders for money for the navy. Navy.

The list of the summer's fleet altered in the title of it;

That instead of *a list of his majesty's ships*, it should be *a list of the parliament's ships*.

Information that some Holland ships refused to strike sail Holland.

to some of the parliament's ships, saying, that Holland was the elder state, referred to a committee.

Impeached lords. Six of the impeached lords appeared at the bar of the house of peers, and the charges were severally read against them, and they put in sureties for their appearance.

Lord Willoughby. The lord Willoughby came not, but sent a letter, (being himself withdrawn,) that he had been above four months committed, without particular charge against him: that their lordships were pleased to order his enlargement: that he had received counsel from a friend, that he is not fit for public employment, and therefore resolved to privacy: that he hath always been faithful to the parliament, and desired their lordships to make an honourable construction of his retirement.

I was suspected to have advised my lord Willoughby to withdraw himself, but I was so far from it, that my lord himself afterwards avowed that he never acquainted me with his design of withdrawing himself, fearing lest I should have dissuaded him from it.

Fourteen days were given to the impeached lords to put in their answers, and counsel allowed them.

Captain Dare, captain of the Constant-Warwick for the parliament, had a sharp fight with a ship of the Irish rebels, and twenty-five of his men were killed and wounded, but he boarded and took the Irish man of war.

9. The ordinance passed both houses for the more effectual suppressing of stageplayers, by imprisoning and fining and whipping for the second offence.

An ordinance for paying of tithes and other duties to the ministers of London, after much debate, was committed.

Taunton. A petition from Taunton, expressing the gratefulness of that town for the votes for no further addresses to be made to the king: and they had the thanks of the house, and the petition ordered to be printed.

Army. Letters from the general about new-modelling the martial power, so as to have more officers at less pay than now, and fewer soldiers, which may be suddenly filled up as there shall be occasion, and hereby the army be better governed, and less chargeable.

An explanatory ordinance touching the sale of bishops' lands committed, and power given to remove obstructions.

Letters from Ireland, of sad complaints of the officers and soldiers there, for want of pay, meat, and clothes, so that the soldiers go up and down more like ghosts than men.

10. Debate touching Scots officers who had served the parliament.

Order for an augmentation for the church of great Brentford.

Order for 100*l.* for a gentleman who had lost both his eyes in the service of the parliament, and to recommend him to Sutton's hospital; the like for another, who lost both his eyes at the battle of Nazeby; and the like for a third, who had both his eyes shot out.

Debate till seven at night about the declaration touching no more addresses to be made to the king.

11. Debate upon the declaration touching no more addresses to the king; and voted, upon hearing proofs, that his majesty's instructions to Mr. Cockeram, his giving blanks signed with his seal manual, the clause touching the protestant blood shed in Ireland by such as had commission from the king, another concerning the death of king James, the miscarriage at the Isle of Rea and Rochel, the innocent blood shed in England and Scotland in prosecution of the Roman catholic cause, be inserted in the declaration, and ordered it to be printed and published. Non-addresses.

12. The house sat not this day, having adjourned till Tuesday by reason of extraordinary occasion for the speaker at this time to sit in chancery.

14. Orders issued by the general for sending out forces to prevent and suppress tumults and riots, and to examine and secure such as shall be found acting, or suspected to act or meet, in any tumult or unlawful assembly, contrary to the orders of parliament, and to do such things as the officers of the troops to be sent out shall find necessary for preventing any injuries or affronts to be done to travellers, carriers, or others upon the highways. Tumults.

Other orders of the general touching transportation of disbanded men.

Letters from the north, that divers troops and companies were disbanded, first, only the soldiers, and two months' pay given them, and debentures for the rest of their arrears, and Disbanding.

passes to go home or into Ireland. That some discontents were among them, and many robberies and murders committed upon the disbanding.

15. Reference to a committee to seize or buy some mortar-pieces and arms, informed to be in a private hand.

An ordinance sent up to the lords for the assessment for Ireland.

Judge Jenkins. Upon information that judge Jenkins being brought as a defendant to the chancery bar, and required to answer a bill there against him, for a foul cheat and breach of trust, (as some alleged,) judge Jenkins told the court, that he ought not nor would submit to the power of that court, for that it was no court, and their seal was counterfeit. The house referred it to a committee to draw up an impeachment of treason against him.

A day appointed to consider of the compositions of the lord Abergaveny, a papist, and others, upon Oxford articles.

Order for two hundred men to be added to the Isle of Wight's forces.

The general treated with the committee of the army about disbanding the lifeguards.

292 Maynard. The lords received another paper or protestation from sir John Maynard, wherein he tells them that he ought to be tried by a jury, for which he quotes Magna Charta and the lord Cook; and that he may except against thirty-five of the jury without showing cause; and that none are to be his judges who have acted in the same matters whereof he is accused. The lords ordered his answer to be brought in by a day.

The parliament's declaration, that no more addresses be made to the king, was published, the heads whereof are before mentioned.

16. The sequestration discharged of doctor Hall, bishop of Norwich.

Order for moneys for repair of some castles and garrisons.

Votes for great guns and supplies to be sent to colonel Jones into Ireland.

Debate in the lords' house touching a proclamation against the lord Willoughby, and giving time to the other six lords to put in their answers.

17. An ordinance sent up to the lords for selling the lead of Worcester steeple, and employing the money for repairing of some adjacent churches, and some hospitals in the city.

The ordinance committed for attainting of judge Jenkins.

Order for the sheriffs of South Wales to assist in the disbanding of the forces there.

Referred to the committee of Derby-house to remove obstructions in the disbanding of the forces.

Order for the committee of the army to pay off the forces of Dover-castle that are to be disbanded, and for renewing the ordinance for maintenance of the army for six months longer.

18. Letters from colonel Hammond, with some intercepted letters to the king, referred to the committee at Derby-house.

Leave given to Mr. Barwis, a member of the house, to execute the place of mayor of Carlisle.

Upon letters of the mutinous condition of Plymouth garrison for want of pay, order for 6000*l.* more than before for them.

Order for the governor of the Isle of Wight to place and displace such persons as are to attend his majesty as he shall think fit. Isle of Wight.

19. Order for rewards for discoverers of the authors of some pamphlets which were blasphemous to God and scandalous to the parliament.

Two days in the week ordered to consider of the excise and customs.

Leave given to the lawyers to go the next Lent circuits.

Debate and ordinances for money for the navy.

Upon hearing of proofs, the ordinance passed, to be sent up to the lords for attainting of judge Jenkins. Judge Jenkins.

21. Judge Jenkins, brought to the bar of the house, refused to kneel, denied their authority, told them that they wronged the king, willing that the laws might be protected, that there could be no law without a king, and used high expressions against the parliament and their authority.

The house fined him 1000*l.* for his contempt.

At another time, when his charge was read against him at the bar, for giving judgment of death against men for assist-

ing the parliament, and for being himself in arms against the parliament, and persuading others to do the like, and for denying the power of the parliament, &c., and asked what he had to say thereunto, he told them, that they had no power to try him, and he would give no other answer.

After many witnesses examined in the house to prove the matters of fact contained in the charge, the house passed the ordinance for impeaching of judge Jenkins, and ordered it to be sent up to the lords.

An account by letters from the commissioners of the two houses in Scotland, of their transactions with the committee of estates there; and of the meeting of the assembly of the kirk of Scotland, and of part of the report made from the commissioners of Scotland, who were at London, to the committee of estates.

An ordinance passed both houses for the judges that are to go the circuits in the next assizes.

A petition in behalf of lieutenant-colonel Lilburne and Mr. Wildman laid aside.

Letters from the north that free quarter was quite taken off, and the private soldiers all reduced.

Duke of York. 22. Report of a letter from the duke of York to the king, intercepted; and being only dutiful expressions to the king his father, and the duke expressing he was sorry he had transgressed the ordinance of parliament: the house only ordered, that the earl of Northumberland continue his care in the safe keeping of the duke and the rest of the king's children, and to place and displace attendants about them; and delinquents were forbidden to have any resort to them.

Ordinances passed both houses for Mr. Fenwick to be restored to a fellowship in Cambridge, for money for the navy, and for some garrisons.

Letters from Ireland, of successes by the lord Inchequin, colonel Jones, and colonel Monk against the rebels, notwithstanding the want of pay, the hunger and nakedness of the English soldiers.

23. The monthly fast-day: after sermons, upon long debate, the ordinance was committed for the better observing the Lord's day, fast-days, and other days for holy duties.

Pamphlets. Order for two scandalous and blasphemous pamphlets, one

entitled, *The Parliament's Ten Commandments;* the other, *The New Testament of our Lords and Saviours the House of Commons,* be burnt by the hangman.

A paper was presented to the general of the desires of his lifeguard concerning their disbanding, which not receiving that reception as was expected from the committee, and some having told them they were looked upon as disbanded men, divers of the lifeguard went to cornet Hall's lodging in Grey's-Inn Lane, and fetched away the colours of the lifeguard, and carried them to a place at Snow-hill. Disbanding.

24. Debate till late at night about the Declaration in answer to the Scots last papers.

Letters giving account of the disbanding the supernumerary forces.

The general, being tired with multiplicity of business and petitions at London, appointed Cromwell, Ireton, Fleetwood, and divers other officers, and such field-officers as were in town, or any five of them, to meet every day in Whitehall, to receive petitions, and consider of businesses relating to the army, and for the better preparing of despatches.

25. Debate from morning till night upon the Declaration in answer to the Scots last papers.

A petition to the general from the officers under major-general Langherne, expressing the services and losses, their arrears of pay for two years and an half, praying the general's recommendation of them to the parliament, and stating their accounts. 293

The general and lieutenant-general and other officers met as a court-martial, about the business of taking away the colours by the lifeguard, and which was looked upon as a great disrespect and dishonour to the general; one Mr. Clerke, a chief actor in it, was found guilty of mutiny and disobeying superior officers, and adjudged to be shot to death.

26. Debate all day upon the Declaration in answer to the Scots last papers.

The general's lifeguard presented an humble and ingenious petition to his excellency, acknowledging their fault, and begging his pardon, and give a testimony of the great honesty, valour, fidelity, and integrity of Mr. Clerke condemned to die, and very humbly implore the general's mercy to him.

Clerke likewise humbly petitioned for mercy, and acknow-

ledged the justice of the court-martial, and the general gave him his pardon.

The records put in at Reading assizes were forty-four, and I was retained in forty-eight causes.

28. Debate this whole day upon the Declaration in answer to the Scots papers, wherein the parliament set forth the whole transaction with the Scots, their due observance of the treaties and covenants, and the breach of them by the Scots, &c.

Scotland. Letters from Scotland, that the parliament's commissioners at Edinburgh had no lodgings provided for them, but were forced to lie in taverns; that they are unwilling Mr. Marshall should preach there, and many of them would willingly be in England again; that many endeavour to engage a party against England.

The soldiers in the north were disbanded according to the parliament's order, and the country eased of their free quarter.

Dr. Leyfield was by the court-martial acquitted of the accusation against him for counterfeiting the general's hand.

The like acquittal of the officers of colonel Herbert's regiment, accused for conspiring against Gloucester.

29. The Declaration passed the commons in answer to the Scots papers.

Voted by both houses, that none shall raise any men to be transported beyond sea without warrant from the committee at Derby-house.

The committee of estates excepted against the credentials of the English commissioners, because they were directed to the parliament of Scotland, which did not then sit, but only the committee of estates: but the English commissioners showed their instructions to the committee of estates also.

Colonel Jones took in the town of Kildare upon quarter only; and a house near to another garrison, within half a mile of Kildare, being accidentally on fire, the English soldiers before Kildare seeing it, ran down thither, and entered pellmell into the garrison, and took possession of it; and several other small garrisons were rendered to sir Thomas Armstrong, sent by colonel Jones to them.

Divers other castles and garrisons were taken in by colonel Jones, and some were fired by the rebels.

March 1647.

1. Debate touching the church business.

Order of both houses for Hampton-court to be made ready for the king's children to be there.

Sir Jacob Ashley admitted to compound.

Order to consider to-morrow of disposing the great seal, and no other business to intervene.

Order to continue the committee of the admiralty for seven months.

Order for a guard of ships for the northern coasts and trade of fishing there.

Order touching the commissioners of the customs.

2. Order for three new elections.

Order that the earl of Kent, sir Thomas Widdrington, knight, and Bulstrode Whitelocke, esquire, shall be commissioners for the great seal of England, and that an ordinance be brought in accordingly: Commissioners of the great seal.

Which ordinance was brought in and read, and passed the house of commons, and ordered to be sent to the house of lords for their concurrence.

These commissioners were said to be agreed upon by the private junto of Cromwell's party beforehand, to be trusted with this great charge; and in the debate of the business several others of both houses were propounded; but after a great debate these three only were pitched upon.

The earl of Kent, being a very honest, just man, of good rational parts and abilities, and of an ancient great family, who would be a countenance to this business, was held a fit person for the lords' house.

Sir Thomas Widdrington, being a gentleman of known integrity, and of great abilities in his profession, and brother-in-law to the general, whose sister he had married, was very fit to be one of the house of commons to be intrusted with so weighty an employment.

I was less considerable than the other in all respects, yet was well known and understood in the house by my long attendance there, and by them judged not uncapable of this employment; besides, the general had an affection for me, and he had a good interest in the house, and Cromwell and his party were willing to engage me as far as they could with them.

I can truly say I never heard of this business beforehand,

nor was in the least privy to it, or acquainted with it; but God was pleased so to order it, not my ambition that sought or contrived it; for I may be believed, on much experience, that such employments are not desirable by a quiet and prudent spirit; they seldom afford quiet, never safety. I was at this time in the circuit in great practice, wherein none of my profession had a greater share than myself, and at Gloucester received this unexpected news; the counsel, the officers, and attorneys with great respect and much civility wished me joy of that honourable employment. I sent to my friends of the house to know if my present attendance was expected by the house; but that without a special summons I did not intend to return to London till after the circuit should be ended. This resolution I the rather grounded upon the letters I received, wherein it was said, that when it was moved in the house I should be immediately sent for to attend the service of the seal, others did not think fit to call me out of the circuit, where I was engaged in many men's businesses, and the house made no order for it.

Pembroke-castle. Letters from the committee of Pembrokeshire, that Mr. Poyer, formerly mayor of Pembroke, and now governor of
294 that castle, refused to deliver it up to colonel Flemming, who had a commission from the general to be governor of it.

Order for an ordinance to settle this business.

3. Order for a new election.

Letters from the committee of Kent concerning the propositions of that county in the assessment for the army, referred to the grand committee for that ordinance.

The records entered at Oxford were thirty-five; the causes wherein I was retained were forty-four.

Order for the arrears of colonel Hammond to be audited.

4. A committee to draw up an ordinance to prevent and suppress all private duels and quarrels.

An ordinance passed both houses for reducing of Pembroke-castle, and requiring the general to bring colonel Poyer and his adherents to justice.

The general sent this ordinance to the forces before Pembroke-castle, with orders for them to send it to colonel Poyer into the castle, and to signify to him, that if he did not render the castle in twelve hours after this notice, then they were to endeavour by force to reduce it.

Debate touching the commissioners of the customs and their officers.

Orders for relief of maimed soldiers and widows, and letters to the judges in their several circuits to put in execution the ordinances concerning them.

Three French ships taken by the parliament's ship under captain Pen.

6. Ordinance sent up to the lords for the further establishment and maintenance of the army.

Order to sell the coats of the king's guard to buy fire and candle for the forces at Whitehall and the Mews.

Orders touching compositions, to commit those delinquents who refused to compound.

A patent ordered for Mr. Petty for seventeen years, to teach his art of double writing.

Letters from the commissioners in Scotland of their proceedings.

Debate about the business of the fens.

The committee of estates in Scotland ordered the disband- Scotland.
ing of their army by a day, if danger did not in the mean time appear, and they appointed a committee called *the committee of danger*.

7. The ordinance sent up to the lords for settling lands of the earl of Worcester of 2500*l.* yearly value upon lieutenant-general Cromwell and his heirs, in recompense of his great service.

Order for the ordinance to be brought in for settling 5000*l.* per annum upon the general.

Sir Gilbert Gerrard ordered to be chancellor of the duchy.

Mr. Miles Corbet and Mr. Robert Goodwin were by order made registers of the chancery, in the place of colonel Long, one of the eleven impeached members.

Additional instructions concerning the miscarriages of the Scots commissioners here were passed, and ordered to be sent to the parliament's commissioners in Scotland; and the large Declaration in answer to the Scots papers passed both houses, and was ordered to be printed.

The composition of sir Jacob Ashley and others passed.

The town of Hull sent a long letter to the general, setting forth divers calumnies raised against them, their own former actions, relating to the reception and assistance of sir John

Hotham and his son, and their refusing and resisting the earl of Newcastle and others; testifying their great affection and service to the parliament, and vindicating their integrity.

Then they complained against their present governor, colonel Overton, for imposing upon them free billet for his soldiers, when free quarter was taken off from all the country, and they hoped to reap the fruits of peace and settlement; and they pray relief herein from his excellency.

The general gave answer to the letter, that he thought it unreasonable that town should be exempt more than others from free billet, and that he would be ready to use his endeavour in what might conduce to the good of the town.

Letters informed of some armed forces that marched through Lancashire and Westmoreland towards the borders of Scotland.

The records entered at Gloucester were ninety-nine; the causes wherein I was retained there were fifty.

8. Debate upon private petitions.

Orders to provide for reformados and soldiers' widows.

Six of the impeached lords petitioned for further time for their answers; and it was granted them till the twelfth of April next.

Order of both houses for Mr. Marshall to return from Scotland.

An ordinance sent up to the lords for the sale of some lands of the earl of Newcastle to colonel Whaly.

Order for money for poor widows of soldiers, and a reward given to the auditors of the soldiers' accounts.

Letters from Holland certified that the lord Willoughby of Parham was come thither.

Force upon the parliament.

9. The house debated and confirmed the engagement of their members who were forced by the tumults from Westminster, and the subscription by them August 4, 1647, testifying a zeal to the public, and a resolution to vindicate the honour and freedom of parliament.

Petition.

Divers inhabitants of Bucks presented a petition and remonstrance to the house, acknowledging with thanks their unwearied labours for the public, the great successes God had given them, and the continuance of their care and faithfulness.

They resolve to adhere unto and stand by the parliament

to their utmost ability against all opposers. They desire them to proceed to a speedy settling of the civil government, as may most conduce to the freedom and happiness of the nation, to promote religion according to the word of God, to encourage able ministers, and to cast out such as are scandalous, and to be tender of the consciences of those whose conversation is as becometh the gospel; to relieve Ireland, and to secure themselves from violence.

The petitioners had the thanks of the house for their constant good affections, and the speaker told them that the house had ordered their petition to be printed, as a pattern for other counties, and would consider of the particulars of their petition in convenient time.

Order touching augmentations for ministers.

Sir John Strangeways, upon his petition, was admitted to his composition, and the money which should be raised thereby was ordered for the navy.

The records put in at Monmouth were ten; the causes wherein I was of counsel were thirteen.

10. Order for an ordinance for electing a lord mayor, aldermen, and common-council-men of York, as had been formerly for London. 295 York.

Debate upon the Confession of Faith.

11. Debate about the draining of the fens in Lincolnshire, &c., and about matters presented by the committee of accounts, which were referred to a committee.

Upon information that the troop which marched through Lancashire towards the borders of Scotland was captain Wogan's troop, and he with them, who had slighted several orders of the general's, and now hoped to find invitation to Scotland,

The general sent orders to colonel Lambert, and to the sheriffs of the northern counties, to stop colonel Wogan's march, and to deal with him and his party as disturbers of the public peace. Wogan.

13. Upon reading the impeachment and hearing of proofs against sir John Gayer, late lord mayor of London, the house passed the articles against him; the like against alderman Bunce, alderman Langham; and ordered them to be sent up to the lords, and their lordships be acquainted that the house is ready to make good their charge against the aldermen. Impeachments.

The house approved of the engagements of colonel Welden for supplies for the garrison of Plymouth, and ordered them to be paid accordingly.

Order to desire the parliament of Scotland to give direction to seize and apprehend captain Wogan's forces, or any such that shall march into Scotland, being discontented persons, who endeavour to foment new differences.

Reference to the committee for Irish affairs to examine and state the business concerning accounts for provisions for Londonderry, between Mr. Goring and Mr. Thornton, merchants.

Mr. Dell, who was chaplain to the general, took his leave of the army, and retired to his private home.

Scotland. Letters from Scotland informed, that the divines there have presented to the parliament their resolution against adhering to or joining with the king and his party.

Committee of danger. That a letter from the king to the commissioners of the kirk was voted by them, of a dangerous consequence, that some of the kirk are joined to the committee of danger, who have in consideration these particulars:

1. The danger of religion in both kingdoms.
2. The carrying on of the covenant.
3. The state of the king.
4. Monarchical government.
5. The danger Scotland is in.
6. The union of the two kingdoms.

That the English horse which are come into Scotland are not received; the English commissioners declaring to the parliament there, that these horse come not by any authority of the parliament of England. They lie at their own charge and pay quarter.

14. Divers compositions passed.

An explanatory ordinance for sale of bishops' lands sent up to the lords.

Privilege. Reference of a petition touching matter of privilege upon a bond from a peer who doth not now sit in the house of lords.

Sir Hardress Waller. Sir Hardress Waller published a declaration or representation to the counties of Devonshire and Cornwall, where he commanded the forces,

Expressing the honour and justice of the parliament and

their general in their proceedings, and in the distribution of the forces in those counties, and touching the assessments, and freeing the countries from the burden of free quarter; persuading them to compliance with the orders of parliament, and to pay the assessments; and promiseth his utmost endeavour in his station to preserve and further the peace and good of those counties.

The records put in at Hereford were fifty-three; the causes in which I was retained in this place were thirty-nine.

15. A message from the lords to the commons, that their lordships had agreed to the ordinance for the maintenance of the army under sir Thomas Fairfax:

Also that they agreed to the ordinance for committing the custody of the great seal of England into the hands of commissioners of both houses, viz. the earl of Kent, sir Thomas Widdrington, knight, and Bulstrode Whitelocke, esq., for one year; only their lordships desired that the lord Grey of Werke might be added to the said commissioners, and that one lord and one commoner might be of the quorum. Commissioners of the great seal.

And in regard the commissioners of the house of commons were in the circuits, and shall not return till the beginning of the next term, whereby much damage would accrue to the subject, by not having commissions and writs sealed before the term, as usually; it was desired that the earl of Kent and the lord Grey might have power to sign commissions and writs till the tenth of April next, to which the commons after some debate assented.

The ordinance of both houses of parliament for the custody of the great seal was of this tenor.

Die Mercurii, 15 *Martii*, 1647.

An ordinance of the lords and commons assembled in parliament, for committing the great seal of England into the hands and custody of commissioners.

The lords and commons in parliament assembled do order and ordain, and be it ordained, that the great seal of England shall be committed to the custody and keeping of Henry earl of Kent, William lord Grey of Werke, sir Thomas Widdrington, knight, and Bulstrode Whitelocke, esq., who are hereby ordained commissioners for that purpose, for and during the time of one whole year from the passing of this ordinance.

Which said persons are hereby constituted and appointed to be commissioners for the custody of the said great seal of England during the time aforesaid, and they or any two of them, whereof one member of the lords' house, also one member of the house of commons, shall have, and are hereby authorized to have, the custody and keeping, ordering and disposing thereof, as also all such and the like powers and authorities as any lord chancellor or lord keeper, or commissioners of the great seal of England for the time being, hath lawfully had and used, or ought to have had or used.

JOHN BROWN, cler. parliamentorum. HENRY ELSINGE, cler. parliam. dom. com.

296 Orders upon private petitions of grievances.

Ireland. Letters from Ireland, that the lord Inchequin relieved some garrisons of the English in Tipperary, entered Carricke, and fortified a pass to make good his retreat, blew open the gate of Cullen by a petard, entered the town, took two castles by assault, and put three hundred soldiers to the sword, and some women, notwithstanding order to the contrary, and then took in another strong castle upon mercy.

That Owen Roe Oneal is dead, and the supreme council fled from Kilkenny; that the parliament's ships took three of the rebels' ships loaden with ammunition, and captain Ball took an Irish man of war.

16. Orders for taking off several sequestrations in performance of articles of war.

Ten thousand pounds accepted for the composition of sir John Strangeway and his son, and ordered for the navy.

Lord Fairfax dies. The lord Fairfax, father to the general, having a bruise on his foot where a corn was growing, it festered, and turned to a gangrene, which brought a fever upon him, whereof he died at York, March 13, and was much lamented.

Order that sir Thomas Fairfax's son should be keeper of Pontefract-castle, custos rotulorum of Yorkshire, and chief ranger, &c. in the place of his father.

Order for papists to be admitted to compositions, in performance of the articles of Oxford.

17. Long debate upon the Confession of Faith almost all the day.

Several ordinances passed for placing ministers in vacant benefices.

Die Veneris, 17 *Martii*, 1647.

Ordered by the lords and commons in parliament assembled, that Henry earl of Kent, and William lord Grey of Werke, are hereby authorized, until the tenth day of April next, to sign and seal all such commissions, patents, writs, and other process, as are to be sealed by the great seal of England.

JOHN BROWNE, cler. parliamentorum. HENRY ELSINGE, cler. parliam. dom. com.

By papers from Mr. Malbone and others, the places belonging to the commissioners of the seal were thus certified to me:

The secretary, worth 500*l.* per annum at the least.

In this place under the commissioners was first Mr. Scobell, then Mr. Cole, then Mr. Twyford, the speaker's servants.

The seal-bearer and private seal, worth at least 300*l.* per annum: in this place was Mr. Malbone, who procured an ordinance to pass the house of commons for his continuance in this place, but the lords rejected it.

Receiver or clerk of the cursitor's fines, worth at least 350*l.* per annum; and in this place was Mr. Thurloe, servant to Mr. Solicitor St. John.

Clerk of the injunctions, worth 200*l.* per annum: in this place was Mr. Gale, servant to the earl of Kent, and then Mr. Martyn.

Clerk of the presentations, worth 150*l.* per annum: in this place was Mr. Merx, and then Mr. Farmer, servant to the earl of Kent.

Clerk of the commission to the peace, worth 150*l.* per annum: in this place was Mr. Zinzam, servant to the earl of Manchester, then Mr. Ashburne, servant to the lord Grey.

Clerk of the commissions and dedimus, worth 100*l.* per annum: in this place was Mr. Warmp, servant to Mr. Speaker, then Mr. Mortimer, servant to the lord Grey.

The messenger attending the commissioners to give notice to all officers of the times and places of sealing, and to go of errands: he hath 3*s.* per diem, term and vacation, worth 53*l.* per annum: in this place was Mr. Taylor, servant to Mr. Browne.

Clerk of the dividend out of the crown office, upon creations at four nobles for every skin in all patents: in this place was one of Mr. Speaker's servants.

18. The house sat not, but according to their order the grand committee sat about the business of the fens in Lincolnshire.

Many causes were tried at Shrewsbury, and divers of them concerning plunders.

The records put in at Shrewsbury were ninety-nine, and I was here of counsel in fifty-four causes.

20. A petition of London merchants, complaining of pirates and decay of trade, was referred to a committee of trade, which was revived, with power to consider of removing obstructions in trade, and to receive all petitions concerning the advance of trade; and referred to the committee of the admiralty to provide a sufficient guard for the merchants' ships.

Letters of the proceedings of the commissioners in Scotland, and of their letters to the mayor of Berwick, giving him notice of a design to surprise that town, and the mayor's answer.

Order for a letter of thanks to the mayor, and to desire him to preserve the town from garrisoning according to the treaty, and order to the general to prevent any inconvenience by such meetings of the cavaliers and papists.

Letters from York of another troop landed from Ireland at Chester, which marched towards Scotland:

That the lord Fairfax, the general's father, was honourably buried.

Scotland. Letters from Scotland of divisions in their parliament; some for raising an army against the sectaries in England, others for the king, and a third party for no war: the clergy were for an oath to be generally taken,

That presbyterial government be maintained; that the king be not restored till he sign the covenant; to endeavour the extirpation of all sectaries, especially Erastianism; that the ecclesiastical power is not subject to the civil; that the king's negative vote in England be taken away.

Captain Wogan had money sent to him in Scotland to pay his quarters, but by whom will not be discovered: there are four hundred foot and a troop of horse of the English in a body.

Colonel Poyer. 21. Letters that colonel Poyer held out in Pembroke-castle against the orders of parliament, and the forces sent

thither by the general; that in the morning he is sober and penitent, and in the afternoon drunk and full of plots; that he put four or five of his companions in the best apparel he could get, and by sunrising put them out at the sally-port, and received them in again at the gate himself with great ceremony, giving out in the town that they were commanders sent out of France to him from the prince of Wales, and more were to follow:

That when he hears news that pleaseth him, then he puts 297
forth bloody colours, and declares for the king and Common-Prayer; when he hears other news, then he is for the oath and covenant, and puts forth blue and white colours; that one day he fired all his guns on the parliament's forces without any occasion; that afterwards he was very quiet; yet the next day he vowed that not one of the parliament's forces should go away alive, and calls the general *king Thomas*.

That the parliament's forces lie close, and make no shot at him, but none of his men dare peep out of town.

Upon summons sent to him, his answer was, that if they might have their arrears, disbursements, and indemnity, they would give up the castle.

The house ordered the general to send sufficient forces to reduce colonel Poyer and Pembroke-castle; an ordinance to remove him from being mayor of Pembroke, and to constitute another.

Order for a month's pay for the forces in the Isle of Wight, and for an allowance for four gentlemen attending his majesty.

Debate about compositions upon surrenders of garrisons.

A plot was discovered to the general to surprise the Tower this night. Plot upon the Tower.

22. Orders upon many private petitions.

Ordinance passed touching the collecting of the rents of Westminster college.

The commons agreed with the lords in the doctrinal part of the Confession of Faith, but altered the title from *The Confession of Faith* to be *Articles of Faith agreed upon by both Houses*.

The records put in at Stafford were seventy; and I was of counsel in fifty-three causes.

23. Debate touching Oxford articles, and about clipped and false money.

Ordinance about reimbursing the committee of Surrey for money laid out by them for the soldiery.

Order for a writ for a new election.

24. Debate about settling of a good ministry in some vacant places, and ordinances for some particular parishes.

Order for 2000*l.* for repairing the library at Cambridge, to be raised out of deans' and chapters' revenues, and an order for encouragement of the heads of colleges there.

The general sent strict orders for the disbanding of major-general Langherne's forces according to the orders of parliament, and for the reducing of colonel Poyer.

25. The ordinance passed both houses for settling the business of the navy, and an order for the loan of 30,000*l.* for the service of the navy.

Reference upon letters from the general about provision for maimed soldiers.

Order for auditing the arrears of major-general Browne's brigade.

Mr. Wake. Upon letters to the committee at Derby-house, that one Mr. Wake, a minister, pretended to have a gathered church in Dorsetshire, whereof he was pastor, and read to them the Common-Prayer, and used the order and ceremonies in that book, whereof notice being given to the committee of Dorset, they sent and apprehended Mr. Wake, but he was rescued by the multitude, and the officers of the committee were sorely beaten;

The committee of Derby-house sent to the general to take care to suppress this riot, and to prevent the like for the future, and he sent order for that purpose to colonel Scroop, who was quartered with his regiment in that country.

Anno 1648.

27. Letters from Mr. Lort, that the foot of major-general Langherne being without any commander but an ensign, whom they governed, agreed to assist colonel Poyer against the parliament's forces, and sent to him into Pembroke-castle for that purpose, and seized upon the parliament's commissioners who were then disbanding major-general Langherne's forces, whom they much abused.

Colonel Poyer.

That they put the commissioners and many of themselves into vessels to bring them to Pembroke-castle, which took not effect, but many of the soldiers got into the castle, and sallying out upon the parliament's forces before it, tired out with duty, killed, wounded, and took many of them, and some pieces of ordnance.

Letters that colonel Poyer despatched a frigate into France, and took a vessel of the parliament's.

Order for the general to send a considerable party against Poyer, which was done.

Letters from the commissioners in Scotland, that the parliament there sat close, yet some of the lords had leisure for duels; that the committee of danger there are most of them for war; that many English come thither; and that the horses in Northumberland are stolen, or bought and carried thither: great fears of the well-affected, and joys of the papists and malignants. Scotland.

Order for the house to be called by a day, and the sheriffs to summon the members in the several counties to attend.

The sheriff of Bucks dispensed with from taking the usual oath, and a reference to a committee to consider of the oath. Oath.

Mr. Fawke made general-receiver of York.

A remonstrance to the house from the officers in Ireland under the lord Inchequin, asserting their fidelities, and mentioning their successes through all the difficulties and wants wherewith they have encountered. Remonstrance. Ireland.

That their enemies have obstructed their supplies, whereof they make great complaint; and that the votes for their supply and indemnity were not performed, but jealousies raised against them, and their honours questioned.

That they are involved in so great exigencies, that they cannot subsist without speedy supplies, but must either make their terms with the public enemies, or expect ships to be sent to bring them over into England.

Letters from Hereford of major Hopton's regiment being disbanded, who were very affectionate one to another, and to the major, and parted with tears.

28. Ordinance sent up to the lords for settling the business of the admiralty.

Order for three judges of the admiralty, and for an ordinance for it, and for a salary for them.

Order for 500*l.* to buy books for Cambridge university.

Letters from the lord Inchequin full of discontent for want of supplies, referred to a committee.

Order for a member of the house to go into Pembrokeshire to settle the peace of that county, and to prepare instructions for him.

Order for a letter to the committee of Somerset to collect the assessments there.

298 29. The monthly fast-day.

30. Petition of the king's servants who had adhered to the parliament, referred to the committee of the revenue for an allowance for them.

Ordinance sent up to the lords for 10,000*l.* for the general, in lieu of 1000*l.* per annum.

Ireland. Debate of the business of Ireland.

Lord Inchequin. An officer that came from thence made a relation to the house of the lord Inchequin's being suspected to fall off from the parliament: the house ordered colonel Jephson, Mr. Salweys, and Mr. Swinfin, to go commissioners to him, and referred to the committee at Derby-house to prepare instructions for them.

Vote that the forces in Munster should have an ordinance of indemnity, and security for their arrears. Commissioners appointed for the three other provinces in Ireland, and money to be sent over with them.

31. An information against a member of the house for words spoken by him a year before: he was ordered to attend to answer it.

Church. Debate of the business of the church.

An ordinance debated and committed for punishment of incest, adultery, fornication, and incestuous marriages.

Another, for the better observation of the Lord's day, fast-days, thanksgiving-days, and other days set apart by the parliament, was committed.

Tumults. Letters from Pembroke of a tumultuous rising of the people, referred to the general to take speedy and effectual course therein.

April 1648.

1. The ordinance for the admiralty, after a long debate, passed, and ordered to be sent up to the lords.

Lord Inchequin. Additional and private instructions passed for the com-

missioners gone to Munster to the lord Inchequin, whose officers had taken an oath of secresy, and those that refused it were cashiered.

The house of peers sat not: the general removed his head-quarters to St. Edmond's-Bury.

3. Letters from colonel Jones of the great necessities of the soldiers at Dublin, and desiring supplies.

Order for 1000*l.* to be bestowed on colonel Jones as their favour for his great services, and to acquaint him with what provisions and supplies were made for the forces in Ireland, and particularly for those under his command. Colonel Jones.

A petition of many reduced officers for their arrears, to have them out of such discoveries as they should make, and in respect of their great necessities: it was referred to a committee to make them allowances out of their discoveries.

Order to prevent the like for the future, and the clamours at the door of the house for arrears, and an ordinance for some moneys for indigent persons.

Letters from the commissioners in Scotland, that they had made several addresses to the parliament of Scotland concerning captain Wogan, but could obtain no answer from them. The house ordered a letter of thanks to the commissioners, and desired them to proceed in their endeavours about that business. Scotland.

A woman executed at York for crucifying her mother, and sacrificing a calf, a cock, &c. as a burnt sacrifice, and her husband was hanged for having a hand in that fact.

Seven Ipswich ships were split upon the bar of Tinmouth, and seven more driven upon the sands.

Letters from Edinburgh of a new army raising there, for maintenance of the covenant and church-government. Covenant.

The general assembly in Scotland desired, Scotland.

That nothing might be concluded as to war, till the lawfulness of it were first stated and agreed upon.

That reparation may be first sought for the breaches by England, and the presbyterian party there not disobliged.

That they may oppose and suppress the popish malignants' party as well as the sectaries.

That the king's concessions concerning religion may be declared by the parliament to be unsatisfactory, as they have been by the assembly.

For security from the king in matters of religion, before he be admitted to his regal power, and all other ends of the covenant.

That none be employed but of integrity to the cause.

Engagements to be by oath.

Committee of danger. The committee of danger voted an army to be raised of forty thousand men, against which a protestation was made by divers lords, and others, as to their power to make such a vote.

Divers more English came into Scotland.

4. Debate touching the commissioners of the customs and their receipts. The commissioners vindicated and approved: the like of Mr. Tomes.

Ordinance for disposing the estate of the earl of Chesterfield.

Order to secure sir Sackvile Crowe and Mr. Henry Hide, and the complaints against them by the merchants referred to a committee.

Order to refer the lord Pawlet to a trial of law for the death of one Henry Illery, slain by him, and 100*l.* bestowed upon his widow.

Prince elector. Letter of thanks from the prince elector for his allowance of 8000*l.* per annum.

The house adjourned for a week, and ordered the committee at Derby-house to sit daily.

Colonel Poyer. 5. Letters from Pembrokeshire of the continuance of colonel Poyer, with some of major-general Langherne's men, in their defection, and that they had taken divers committeemen and others prisoners, that some of the parliament's ships were come into the harbour there to help to block them up, and that colonel Horton was come with a good party against them.

Scotland. Letters from Scotland of great jealousies from thence; that there were many duels fought; that sir William Fleming was come thither with a man-of-war with thirty guns; that they hate the English army and parliament.

Letters from Edinburgh and Wales.

Poyer was grown five hundred strong in foot, and a hundred horse, and raised new forces, and laid assessments thrice as much as that for the army.

7. The general sent additional forces against Poyer. The forces of major-general Langherne, except those with Poyer,

agreed to be disbanded by the prudence of the commissioners and colonel Horton's care.

Letters that Poyer increased in strength; some other forces of colonel Butler and others fell in to him; no gentlemen of note or estates came in to Poyer, nor any of major-general Langherne's officers.

Letters from Shrewsbury of a design of the malignants to surprise that town, but by the governor's care it was prevented.

8. Letters from Chester, of the plague breaking out there, 299
and the general, for the ease of the city, ordered all the garrison to be drawn out, except one company.

9. There happened this night a very high and dangerous tu- Tumult of apprentices.
mult by the apprentices, who, with other people and malignants who instigated them, went towards the soldiers at Whitehall and the Mews, but were met with in the way by a party of horse, who killed some, and wounded many of them, and scoured the streets.

It began in Moorfields, about tippling and gaming on the Lord's day, contrary to the ordinance of parliament: they set upon and overpowered a party of the trained bands about Finnesbury, and from thence went to Whitechapel, where they seized upon the captain's colours; and others went to Smithfield, and some to Whitehall, but they were met with by the horse and dispersed.

10. The last night they increased, and surprised Newgate and Ludgate, took the keys, went to the lord mayor's, and took thence a drake, in which action some of them were slain: the drake they brought to Ludgate: the lord mayor left his house and went to the Tower.

This morning their numbers increased, and they laboured to get arms, broke up a house in Milk-street, and took out arms from thence and other places: with the drake they went to Leadenhall, where they possessed the magazine, and beat up drums upon the water, to invite the seamen and watermen *for God and king Charles*.

Upon this high tumult the general sat up all night, called a council of war, where the question was, whether they should hazard the two regiments at the Mews and Whitehall, or stay for more force; and they agreed, rather than to delay this business further, which must needs be dangerous, and

hazard much blood and increase of the mutiny, that they would engage with the two regiments only.

Accordingly, this morning early, the two regiments entered at Aldersgate, and came to Leadenhall, and charged the mutineers: they fired their drake, hurt captain Merriman in the shoulder, and his lieutenant in the belly, and killed a woman.

The soldiers hurt many of the mutineers; a waterman, who shot off the drake, was killed; divers prisoners were taken, the mutineers in all parts of the city were presently dispersed, the city gates set open, and all quiet before ten o'clock this morning throughout the city.

This small party of the army behaved themselves against a great multitude of men with much gallantry and resolution: and it was no small happiness to the parliament that this insurrection was well quieted, which in these times of discontent and distraction (if it had not been so soon appeased, and nipped in the bud) might have proved of most dangerous consequence to all the parliament party, and have occasioned a new war.

We may take notice of the incertainty of worldly affairs: when the parliament and their army had subdued their common enemy, then they quarrelled among themselves, the army against the parliament; when they were pretty well pieced together again, then the apprentices and others make an insurrection against the parliament and army.

Thus we were in continual perplexities and dangers, and so it will be with all who shall engage in the like troubles.

Letters informed of some dissatisfaction betwixt the parliament of Scotland and the assembly of the kirk, concerning the matter of a new war; that store of arms were come thither from Holland, and that Edinburgh is full of English.

Scotland. The estates of the parliament of Scotland made this answer to the desires of the commissioners of the general assembly:

1. That the causes of the war shall be cleared to be just and lawful.

2. They think fit that the breaches of the covenant and treaty be represented, and reparations sought.

3. That Scotland will be so far from making war against England, that any engagement they shall enter into shall be for strengthening the union, and encouraging the presbyterians and well-affected in England.

4. They agreed to it.

5. That they will declare his majesty's concessions concerning religion not to be satisfactory.

6. They will take care for his majesty's oath and acts of parliament, enjoining the covenant, and establishing the presbyterian government, &c.

7. That none shall be employed but men of integrity.

8. They desire a committee of the assembly to join with a committee of the parliament in stating the matter upon which any engagement shall be.

To this answer the commissioners of the assembly made a reply, adhering positively to their former desires, and that they were not satisfied with the answer of the estates of parliament.

Other letters, that the Scots parliament have agreed upon these things:

1. To raise an army for the safety of both kingdoms.

2. That none who have been in opposition to the two parliaments shall be of this army.

3. That by this army they will defend the covenant, and the king if he take the covenant.

11. A relation made from the militia of London to the common-council, of the tumult: they voted,

City votes.

That by this tumult and outrage the city was in great danger of destruction, if the same had not been prevented, and that the city would have been exposed to the fury and rage of the malefactors; that they disavow and detest it: and they appointed the committee of the militia to make known the same to the parliament, and humbly to pray them, That their order may issue to the ministers of London to return thanks to God for this great deliverance, and that they would order a commission of oyer and terminer to try the malefactors; and they acknowledge the army raised by the parliament to be the instruments under God of this great deliverance.

They ordered their humble thanks to be returned to the general for his timely aid to the city in this occasion, and they thanked the committee of the militia for their care in raising men, and sending to the general, and approved what they had done, and they acknowledged the pains and care of the lord mayor, sheriffs, and magistrates.

The common-council declared, that it is the duty of every citizen, by himself, and all under his command, to be ready upon all occasions to be aiding and assisting to the lord mayor and magistrates, for the suppressing of all tumults and disorders within the city.

12. Letters from the commissioners in Scotland, that they had demanded of the parliament of Scotland sir Philip Musgrave and sir Thomas Glemham, according to the treaties, and had yet no answer concerning them nor captain Wogan.

The six lords impeached put in their answer of *Not guilty.*

300 An ordinance passed for the jurisdiction of the admiralty for three years.

Order to restrain felling of timber in the forest of Dean and New-forest, and that the timber fit for shipping be employed for the navy.

Ordinance recommitted concerning the militia of Westminster and the hamlets of the Tower.

The speaker with the house of commons went up to the lords' house, where sir Thomas Widdrington and myself were sworn commissioners of the great seal, (the earl of Kent and the lord Grey being sworn before,) and the great seal was delivered to us.

The manner was thus: In the morning, sir Thomas Widdrington and myself being in the house, a motion was made that, according to the ordinance of both houses, we two might be chosen commissioners of the great seal, as the two lords had been before, which was presently and unanimously assented to by the house, and a message sent to the lords for that purpose. Their lordships appointed this morning to have us sworn, and sent the black rod for us to come up to their house to be sworn. Then the speaker with the members of the house of commons went up with us to the lords' house, and sir Thomas Widdrington on the right hand, and I on the left hand of the speaker in the middle of the bar of their house. Each of us singly took the oath of a commissioner of the great seal, and the speaker of the lords' house read to us this oath; "You shall well and truly perform the office for a commissioner of the great seal of England, according to your best skill and knowledge: so help you God." After we had taken this oath, both the speakers delivered the great seal to us at the bar of the house of lords, and I lifted up my heart to God in prayer,

that he would be pleased to direct me in the performance of my duty in this great employment, to his honour, and the good of my country and of myself, and to preserve me from all corruption and injustice in the execution of the place, and from all temptations and dangers unto which it is incident. After we were sworn, the lords and we together, with the great seal carried before us, went to the queen's court, where we appointed a day for a general seal, and disposed some offices under us.

The committee from the common-council came with their message to the houses touching the tumult, but they being risen, the committee went to the general to present to his excellency the thanks of the city for his great care and pains in the speedy suppressing the late tumult; and they were entertained by the general with great respect and favour. Tumult.

13. Proposals touching the excise, referred to the committee of both houses for the excise.

An ordinance sent up to the lords for appointing doctor Clerk, doctor Exton, and doctor Dorislaus to be judges of the admiralty. Admiralty.

Debate touching the settling of the summer's fleet, and some commanders agreed upon for it.

The commissioners of the great seal had a stipend settled upon them for the time of their being commissioners, and ordered to be paid by the commissioners of the customs, and the commission was revived for the hearing of causes in chancery. Great seal.

The committee from the common-council presented to the house the narrative of the tumult, and the votes of the common-council concerning it, and with their desires; and the house ordered a public thanksgiving for it in London, and that the posts and chains about the city be taken down, and ordered 1000*l.* for a gratuity to the officers and soldiers at Whitehall and the Mews for their gallant service in that action. London.

Order for thanks to the general for his care in this business, and that disaffected and idle persons be removed out of the Tower, and the regiment there to be made up a thousand, and two hundred horse to be there.

The committee delivered the same message from the com-

mon-council to the lords, and had the same answer as from the commons.

Letters from Wales, that colonel Poyer increased in strength there.

Assembly. 14. The assembly presented to the house the Catechism perfected, with the scriptures noted in the margin, and had the thanks of the house for their pains.

Lord Inchequin revolted. Some who were officers in Ireland under the lord Inchequin came over into England, and one of them, major Elsing, came to the house, and informed them, that the lord Inchequin was revolted from the parliament, and joined with the rebels, and endeavoured to persuade all his officers to join with him therein.

Order to recall their commissioners going to Munster; and the house declared all power granted by parliament to the lord Inchequin to be void, and that no officer or soldier should submit to his command, and the lord Inchequin to be a rebel and traitor, and a declaration ordered to be brought in to that purpose.

15. Order for money for the forces quartered in the Tower.

The lords communicated to the commons a letter from the duke of Lorrain, which was referred to the committee of the admiralty.

Reference and power given to the committees of Monmouth and Glamorgan to apprehend such as were guilty of tumults and insurrections there.

Order for the general to add four hundred more foot to the forces in the Tower, and for money to buy bedding, &c. for them.

The ordinance passed both houses to prohibit felling of more wood in the forests of Dean and New-forest.

Order for more forces to be sent into Munster in Ireland.

Sermon. 17. Upon information of a sermon yesterday preached at Gray's-Inn, scandalous to the parliament, order to apprehend the minister as a delinquent, and to take into custody the barrister who procured him leave to preach, till he produced the minister.

Order for sir Hardress Waller to be governor of Pendennis-castle.

Both houses passed an ordinance for 1000*l.* per annum salary for the commissioners of the great seal to each of them: and that the commission for hearing causes in chancery be renewed, and Dr. Bennet and Mr. Elkenhead added to the commissioners. Commissioners of the great seal.

I procured him to be made a master of the chancery, and so he was put into this commission.

I resigned the place which I had before I was made a commissioner of the great seal, and I took much contentment in the privacy and credit of it, which was the attorney of the duchy: and I moved the house that Mr. Hall should be made attorney of the duchy, with the same fees and privileges as I enjoyed whilst I had that office; which was granted.

Divers ordinances passed for compositions, and sir Oliver Cromwell's remitted for his kinsman lieutenant-general Cromwell's sake.

A list passed for the summer's fleet for the Irish seas 301
under vice-admiral Crowther, and he to receive orders from vice-admiral Rainsborough, who had orders about reducing of Poyer.

Debate about moneys for the navy.

Letters from Scotland of preparations there to raise an army, and men being listed in all parts, on pretence to put that kingdom in a posture of defence, and that they are preparing proposals to be sent to the parliament for a personal treaty with the king; that the English in Edinburgh were in all about two thousand, and have fourpence a day allowed to the soldiers. Scotland.

18. Sergeant Welde, a member of the house, and one of the judges in the last circuit in the west, reported a presentment of the grand jury of Somersetshire, acknowledging the great care and pains of the parliament for the peace of the nation, particularly in the late votes touching the king, desiring the judges to return their humble thanks to the parliament, and their resolutions to adhere to them in prosecution thereof: Grand jury.

The danger of their country by malignants, apostates, and neutrals, from whose power they desired to be freed:

The dearth of corn, and excessive multitude of alehouses and maltsters, wherein they desire remedy, and against fore-

stallers, ingrossers, and regrators, and against malignants being in offices, and practising as counsellers and attorneys.

The judges and grand jurors had the thanks of the house, and referred to a committee to nominate able and well-affected persons to be justices of peace in those counties.

Order for an ordinance to empower the committees in the respective counties to secure all suspected and disaffected turbulent persons: which passed not without much opposition, as a thing of ill consequence and example, especially by those who professed to be so highly for the liberty of the nation.

Thanks given to the sheriffs of Norwich for their good affections.

Order to renew the commission of oyer and terminer, and judges to go down to try the late rioters at Canterbury.

Impeachments. The commons desired the lords to proceed upon the impeachments against the seven lords, and against the citizens, and against judge Jenkins, and to pass the ordinance for making Mr. Steele recorder of London in Mr. Glyn's place.

19. The commissioners of the customs refused to advance 30,000*l.* for the navy, which others offered to do, if they might be commissioners, but the house would not put forth the old commissioners till they were reimbursed the moneys formerly advanced by them.

The house accepted 10,000*l.* composition for sir John Strangeways, and ordered it for the use of the navy.

Order to remove prisoners from the Tower to Warwick-castle, Windsor-castle, and Wallingford-castle.

Colonel Fortescue recommended to the general for employment in the army, and an order for his arrears.

Scotland. To the papers of the parliament's commissioners in Scotland, the parliament there gave this answer:

1. To that of the amity between the two kingdoms, they do on their part desire it, and will labour to continue it.

2. For delivery of captain Wogan, sir Thomas Glemham, and the other English delinquents, they say it is not contained in the treaties, they not taking these to be incendiaries between the two kingdoms, but only between the king and England.

3. They approve of the matter of their commissioners' declaration, and the parliament's answer to it they conceive not satisfactory.

Sir John Geere, late lord mayor of London, was brought to the lords' bar, and refused to kneel; was fined 500*l.* and committed to the Tower, and a day set for him to put in his desires for counsel.

Debate about money for the navy.

The earl of Pembroke, chancellor of the university of Oxford, went thither, and made Dr. Reynolds his vice-chancellor, put him into possession of the deanery of Christ Church by the soldiers breaking open the dean's lodgings, which were shut against him. Oxford.

The like he did for Dr. Palmer at All Souls college, where Dr. Shelden denied the chancellor's authority, not being derived from the king. So did Dr. Bayle at St. John's college, where Mr. Cheynel was put in to be president; and Mr. Wilkins at Wadham college.

20. An ordinance debated and committed for raising 50,000*l.* for Ireland.

An ordinance debated for securing all disaffected and tumultuous persons.

Another for punishing defaulters upon musters in Kent.

Letters from Wales, that colonel Poyer increased in strength, and that many of Langherne's men, after they were disbanded and had received their pay, went and joined with Poyer, and that colonel Powel is joined with him; that they force the country to musters and great taxes. Colonel Poyer.

21. Debate of ordinances for settling of ministers.

The thanks of the house ordered to the earl of Pembroke, for his settling and reforming the university of Oxford. And that such as refused to submit to the power of the visitors there should be expelled; and that the tenants of the colleges should pay their rents to such as the parliament appointed to receive them. And that these votes be printed. Earl of Pembroke. Oxford.

The ordinance sent up to the lords for securing all the disaffected riotous party in England.

An explanatory ordinance for Ireland passed.

Letters from colonel Horton of his being near to Pembroke-castle, and resolution to engage Poyer's men as soon as he could.

22. Upon debate of the letters from the commissioners in Scotland, it was voted, that the answer of the parliament of Scotland to the demands of the English commissioners Vote.

touching captain Wogan and other delinquents is noways satisfactory; and that their commissioners in Scotland insist upon their demands, and press the parliament of Scotland for a further answer thereunto.

An ordinance transmitted to the lords for ascertaining and securing the arrears of the soldiery.

Duke of York.

At a conference, the lords acquainted the commons that the duke of York with the duke of Gloucester and the lady Elizabeth being together playing in a room the last night after
302 supper by themselves, the duke of York privately slipped from them down the back-stairs without cloak or coat, and by the way of the privy garden; having got a key of the door, he escaped away through the park, and could not be found: none of his servants were missing who attended him.

Letters to the general to send for a lieutenant who with his soldiers took free quarter about Barnstable, and to examine the business, and do justice to the country; and the house passed a new ordinance for taking away free quarter.

House called.

24. The house of commons was called, and there appeared and sat three hundred and six of their members, besides those in service, and referred to a committee to report the cases of those who were absent, and none to go out of town without leave.

A new instruction passed for the commissioners in Scotland to insist upon their demands to the parliament there, to deliver up incendiaries.

Divers captains agreed upon for the summer's fleet.

Scotland.

Letters from Scotland, that preparations for war go on there, but opposed by the kirk; yet the other party prevails: that Wogan's troop increaseth, and the parliament there declared,

That they will preserve the union and ends of the covenant, and will oppose the popish, prelatical, and malignant party, as well as the sectaries, if they shall be put to engage in a new war.

That as they will endeavour to rescue his majesty, who is detained prisoner contrary to the resolution of both kingdoms, that he may come to some of his own houses near London with honour, freedom, and safety, where both kingdoms may make applications to him for a safe and well-grounded peace;

So they resolve not to put into the hands of his majesty, or any other, such power whereby the ends of the covenant may be ob-

structed, or religion or presbyterian government endangered; but before any agreement, that his majesty give assurance by oath, and under his hand and seal, that he will pass such bills as shall be presented to him from both or either kingdoms respectively for settling the covenant, the presbyterian government, Directory of worship, and Confession of Faith, and never to oppose them.

That if any war be made, as it shall be on just and necessary grounds, so none shall have charge in the armies or committees but men of known integrity, that the church shall have interest therein.

That they think fit the kingdom be put into a posture of defence, and some discreet persons be sent with their demands to the parliament of England.

25. Upon a letter from prince Philip (son to the queen of Bohemia) to vice-admiral Rainsborough, desiring a pass to come into England to visit his brother the prince elector, wherein the vice-admiral desired to know the pleasure of the house, they ordered a pass to be given to prince Philip. Prince elector.

A day set to consider of settling the kingdom, and Mr. Strong desired that morning to pray with the house, and a letter sent from the house to all the ministers in and about London, to pray to-morrow, being the fast-day, for the blessing of God upon the consultations of the parliament.

Upon information that captain Brown Bushel, who revolted from the parliament with a good ship, and turned pirate, was apprehended, the house gave 20*l.* to the two men that took him; and referred it to the committee of the admiralty to take order for his trial as a pirate: and he was committed to Windsor-castle.

Orders for moneys for repair of Hull and Newcastle works.

The aldermen Langham, Adams, and Bunce, brought to the lords' bar, refused to kneel, or be tried by their lordships, but petitioned to be tried by the common law, denying the power of the lords to try commoners. They were fined 500*l.* apiece, sent back to the Tower, and had liberty to name their counsel in order to their trial. Aldermen.

The common-council of London sat yesterday, and this day upon an affidavit made by one Everard, that he being at Windsor in an inn in bed, heard some gentlemen (whereof he supposeth one was colonel Grosvenor, another Ewer, and others with them, in the next room to him) discoursing together to this effect: That they doubted not but the Scots London.

would come in, and that the city of London would join with the Scots; for the preventing of which, they found no way but to disarm the city, friend and foe.

That such as were friends to the army should be armed, and keep the rest in awe, and that they would make the city advance a million of money, or else would plunder them, and that they had acquainted Ireton therewith.

Letters from Scotland, that the king's party there carry all; that the Irish forces under Monro have offered their service to Scotland, and received thanks, and a fortnight's pay from the parliament of Scotland.

Norwich riot.

26. Letters came this fast-day from Norwich to colonel Fleetwood, that the mayor of Norwich being sent for to attend the parliament, the malignants opposed his going, and the parliamenteers were for it; that both parties got into arms, and plundered many inhabitants of the city; that captain Zanchie with his troop, and some other horse of colonel Fleetwood's regiment, quartered thereabouts, came into the city:

They fell upon the rioters in several parties, drove them into corners, and wounded many of them, and captain Lloyd and divers of the troopers were wounded:

Magazine fired.

That the rioters got possession of the magazine, and being busy to get out powder, the magazine was fired, and about forty of them blown up and spoiled: the blow shaked the whole city, threw down part of some churches, wounded and killed many of the town; not one of the troopers hurt by it; legs and arms found in the streets, torn from the bodies, and about a hundred and twenty of the citizens missing: in the evening all quieted.

27. Order for all the members who have not taken the covenant to take it to-morrow.

Debate about settling the kingdom: the question was, whether the business of the church or of the state should be first considered; but the business of the city intervening, the house resolved to sit again in the afternoon.

Petition. London.

The lord mayor, aldermen, and common-council of London presented a petition to the house, informing the business before mentioned in the affidavit of Everard, and desired, that upon further examination thereof such course may be taken therein as the house shall think fit.

That the chains of the city may be set up again, and the army be removed to a further distance: 303 Posts and chains.

That an ordinance may pass to constitute major-general Skippon major-general of all forces within the lines of communication, for defence of the city and of the parliament, to whom the city resolve to adhere.

The lords gave the petitioners thanks for their good affections, and resolutions to adhere to the parliament. Answer.

As to the setting up again of the chains, they leave it to the lord mayor and common-council to do as they think fit; as to major-general Skippon, he being a member of the house of commons, they can do nothing without the assent of the house.

The house of commons approved the desires of the common-council, and ordered the militia to see the chains set up again; and the speaker acquainted the petitioners therewith; that the occasion of part of the army's being drawn so near was the late tumults; that the house would take this business into consideration, and gave their thanks to the petitioners.

28. The house proceeded in debate about the business of the state, and voted,

That the government of the kingdom should be still by king, lords, and commons, and the groundwork for that government should be the propositions presented to the king at Hampton-court, and that every member of the house shall have liberty to speak to any votes, &c. concerning the king. Vote.

29. Both houses passed a declaration upon the duke of York's going away; Duke of York.

That whereas upon a former endeavour of his to escape, which was prevented, the duke by his letter to the houses acknowledged his errors, and promised not to attempt the like for the future, they declared that they conceived the earl of Northumberland not to be further accountable for the duke.

The commons ordered the allowance to the duke of York to be taken off, and an increase of allowance to the duke of Gloucester, and that the earl of Northumberland may remove him and his sister to Sion-house or Hampton-court.

An information concerning two gentlemen, relating to Everard's business, referred to the same committee.

The general and his officers kept a fast-day at Windsor, and the next day a captain and others had their trials begun by a council of war.

Colonel Poyer fell upon a party of the parliament's forces under colonel Fleming, routed them, and killed and took most of them.

May 1648.

1. Debate touching the business of the church.

Blasphemy. The ordinance against blasphemy and heresy, in some cases the punishment being death, in other cases abjuration, &c., passed both houses, but not without much opposition.

I spoke against much of this ordinance.

Order of both houses for Ely-house to be for the sick and wounded soldiers.

Ordinance transmitted for placing of a minister in Bath.

Order for the members of every county to present to the commissioners of the great seal fit persons to be justices of the peace.

Letters from Bristol of some there privately listing for the king; and the forces there are cold in suppressing them.

Order for the committee at Derby-house to consult with the general about it.

Letters of the South-Welch rising in several places against the parliament's forces, and driving away their cattle, and carrying away their corn and goods, where the parliament's forces come: not a horseshoe nor smith to be found there.

Lieutenant-general Cromwell ordered by the general to go into South Wales with two regiments of horse and three regiments of foot.

Letters from Scotland, that the parliament there passed a declaration, thirty-one protesting against it, and the clergy dissenting, that two hundred and ten barons and lords met to persuade the countries to rise in defence of religion, the king, and church.

2. Vote for 5000*l.* for repair of the works of Newcastle and Tinmouth; the like for Hull, Scarborough, and other northern garrisons; and 6000*l.* for Bristol.

Langdale. Letters that Berwick was surprised by sir Marmaduke Langdale, sir Charles Lucas, and other English, with a party of a hundred horse, pretending a commission from prince Charles; that the mayor endeavoured to get strength to op-

pose them, but could not; referred to the committee of Derby-house and the general.

Letters from the general that he had ordered the regiments at Whitehall and the Mews, and other forces near London, to remove further off, unless the houses should give order to the contrary.

The house ordered a letter to the general to stay the removal of those regiments till further order; and a committee to treat with the city what guards they will provide for the houses, if those regiments be removed.

The general likewise acquainted the houses with his sending lieutenant-general Cromwell into Wales, and with the not-payment of assessments, whereby the soldiers would be enforced to take free quarter: the house passed instructions to the committee of the army and officers to rectify it.

The common-council returned thanks to the parliament for their confidence in the city, and assured them, that when the forces of the army should be removed, the city would stand by the parliament for their security. City.

The city allowed 600*l.* per annum to major-general Skippon.

Petition to the city's common-council, that the impeached aldermen may not be tried by the lords, but by their equals. Petition.

That there may be a new committee of the militia every year, the lord mayor and sheriffs to be part, and the rest to be chosen by the common-council, and approved by the parliament, and the lieutenant of the Tower to be under the city's command, referred to the committee.

3. Letters from the lord chancellor of Scotland by command of the parliament there, with their demands to the parliament of England to this purpose: Scotland. Demands.

1. That the king may come to some of his courts near London, to abide with safety, honour, and freedom.

2. That a personal treaty may be had with his majesty. 304

3. That the independent schismatic army may be disbanded, and none put into garrisons but such as will take the covenant, and both kingdoms may confide in.

4. That all anabaptists, separatists, and independents may be suppressed, and no toleration allowed for any of them.

5. That all absent members may be sent for to perform their duties in parliament.

6. That the covenant may be enforced upon all men.

7. That the presbyterian government may be effectually settled.

These demands were thought by some to be very strange: a day was set for the debate of them.

Information of tumults by the malignants in Colchester.

Order for letters to be sent to some forces of the army in that county to quiet them, and the committee at Derby-house to take care thereof.

The house sent for the commissioners of the great seal: we acquainted them how great the business was in the chancery, and humbly desired their leave that we might continue to sit, but the house would not permit it.

At Westminster college were many lords and commons of the committee at dinner, being the election day.

Essex petition. A petition from many thousands, knights, gentlemen, and freeholders in Essex, expressing the reasons of their desires; which were, for a personal treaty with his majesty, that a course be taken for satisfaction of the arrears of the army, with a disbanding of the same.

Answer. The lords gave thanks to the county of Essex for their good affections, and let them know that they would take their petition into a serious and speedy consideration, and not be wanting to contribute their endeavours for the ease of the country's burdens and settling of a good peace.

The commons gave this answer to the petition:

That they take notice of the great service and good affections of that county to the parliament, and are confident they will so continue; and as to their petition, the house is now in debate concerning the speedy settlement of the kingdom, and do not doubt but what they shall conclude thereupon will give satisfaction to that county, and to all well-affected people.

It was earnestly pressed to have the words *thanks of the house* expressed in this answer, but it was carried in the negative.

5. Debate of the letters from Scotland.

Declaration. The houses declared, that they are resolved to maintain the covenant and treaties between the two kingdoms, and that they will be ready to join with Scotland in the propositions presented to the king at Hampton-court.

Order for forces for the northern parts, and to put those

countries in a posture of defence, and referred to the committee at Derby-house.

Instructions passed for the parliament's commissioners in Scotland. Scotland.
Scotland, to acquaint the parliament there with the surprisal of Berwick by enemies to both kingdoms, who had lain long in Scotland, and were demanded by the English commissioners.

Colonel Horton published a declaration to satisfy the Welch of the parliament's proceedings in order to disband the forces of major-general Langherne, and to ease the country of free quarter, and to settle peace generally, and of the revolt and opposition of colonel Poyer, the trouble, charge, and danger to the countries thereby.

But this persuaded little among them, the common people Wales.
few of them understanding English, and the gentry being generally against the parliament, and rising in most parts of South Wales as soon as the parliament forces were gone from them.

6. The commissioners of the customs advanced 20,000*l.* for the navy.

The votes sent up to the lords concerning a new address to the king, &c.

Orders to sell the duke of York's houses, and 200*l.* of the money for lame soldiers.

8. Debate about the business of the church.

Letters from the north, that, since the surprisal of Ber- Berwick.
wick, sir Thomas Glemham and sir Philip Musgrave have taken Carlisle; that Langdale promised much to captain Carlisle.
Batten if he would keep Holy Island for the king, but he refused.

That sir Arthur Hazlerigge sent forces to secure some other places; that Langdale gives out that he is general of the five northern counties by commission from prince Charles, and persuades them to arm for the king.

Thus a new war was begun, and new perplexities upon the parliament, but it turned only to the uniting of their party again.

Major-general Lambert sent forces to secure Appleby, Raby, and other places.

The parliament's friends in those parts fled to Newcastle.

The parliament's commissioners in Scotland delivered in

papers to the parliament of Scotland touching the taking of Berwick and Carlisle, but had no answer to them; they went on earnestly with their preparations for war in that parliament.

9. A petition from the lord mayor, aldermen, and common-council of London to the house:

London petition. That they are willing to undertake the guarding of the houses, the militia being settled, and they authorized.

That their nomination of the lieutenant of the Tower being suspended, and importation of bullion hindered, and merchandising diverted, trade is much decayed.

They pray that the committee of the militia may be nominated by the common-council, to be approved by both houses of parliament, and the like for the lieutenant of the Tower, and the soldiers now there removed, and that merchants may be invited to bring in bullion.

Answer. The house passed several votes according to the desires of the petitioners, and acquainted them therewith, and told them, the house doubted not but that their confidence in the city, and affection to them, would be answered with love, trust, and obedience from them to the parliament.

Letters from sir Arthur Hazlerigge of the condition of the north, and of captain Batten's refusal to revolt to the king; for which the house ordered thanks to be sent to him, and continued his government.

305 Letters from the speaker to the committees of every county, to meet and to observe the motions and practices of disaffected persons, and such as they find active to endanger the peace of their country, to secure them, and to provide for the safety and for securing of places of strength, that the parliament may without disturbance intend the settlement of the peace of the kingdom.

Vote. Vote that the general be desired to advance in person into the north with such forces as he shall think fit, to reduce those places that are possessed by the enemy, and to prevent any danger in those parts, and that a committee acquaint the general with the grounds of these votes.

Letters that the duke of York was come into Holland.

Ireland. Letters from Dublin, that colonel Monk defeated a party of Owen Mac Art's forces in Ulster, killed between five hundred and a thousand of them, and took all their arms and

baggage. That corn is there at 20*s.* a bushel, and many perish for hunger.

10. Ordinance committed giving power to committees to secure disaffected and tumultuous persons in South Wales.

Another, for money for fortifying Bristol in some new places.

A petition of many reduced officers for part of their arrears, referred to a committee.

Instructions passed to the commissioners in Scotland to acquaint the parliament there, how ill the two houses here resent the title of their last letter, to which an answer will be sent in convenient time.

Letters from Wales, that when colonel Hewes, governor of Chepstow-castle, was absent, sir Nicholas Kemish and Mr. Thomas Lewis got possession of the castle in the night at a port, and that colonel Herbert got together some of the parliament's forces and besieged it.

11. An ordinance committed for satisfying debts due from delinquents to well-affected persons.

Colonel Horton. Victory in Wales.

Letters from Wales, that the forces under colonel Horton, about three thousand horse and foot, fought with the Welch forces under major-general Langherne, major-general Stradling, colonel Powel and others, being near eight thousand men, who were totally routed by colonel Horton and colonel Bethel; Stradling taken prisoner, and Langherne wounded; twenty-six captains and an hundred and fifty officers, and three thousand soldiers of the Welch taken prisoners, many colours and arms, and divers slain.

The house gave captain Mercer 100*l.* and colonel Bethel 150*l.* for bringing this good news, and ordered a day of thanksgiving for it, and that captain Wogan, (not the revolter,) who had done, with the rest, gallant service in this action, should have his arrears audited.

They ordered also, that the land formerly given to major-general Langherne, and 1000*l.* per annum more out of the delinquents' estates who were in this action, should be sold, and the proceed thereof given as a gratuity from the parliament to colonel Horton and the officers and soldiers who engaged in this action.

Order for a declaration that all who should engage in any war, commotion, or insurrection against the parliament should die without mercy.

The lords were put in mind to proceed against judge Jenkins.

A committee appointed for disposing of the Welch prisoners.

12. Upon debate of the Scots letter, a committee was appointed to draw up an answer from the two houses.

Order for a commission of oyer and terminer to be sent down into Wales, and Mr. Eltonhead, brother to the master of chancery, and Mr. Parker to be judges for trial of the rioters there, and that the general send for the officers and chief prisoners taken by colonel Horton's forces, and try them by a council of war.

The city were desired to call a common-council, that the good success in Wales might be communicated to them, and they desired to take course for the collecting of the arrears due to the army, upon the general's march northward.

Order upon the general's letters for arms, ammunition, and money, for the forces that are to march with them into the north.

We determined thirteen causes in chancery in the morning, and forty demurrers in the afternoon; a day of labour.

13. An ordinance transmitted to the lords for settling the militia of the kingdom.

May-pole. A tumult in St. Edmund's-Bury, about taking down of a May-pole, which came to the plundering of some, but was near abated.

Order for the members serving for that county to go down and take care to suppress all tumults there.

Endeavours to put a garrison of the king's into Ashby-de-la-zouch was prevented.

Rioters. 15. The commissioners sent down to try the rioters at Canterbury could not persuade the grand jury to find the bill, and therefore they adjourned the court: they and the committee of Kent had the thanks of the house for their care in this business, and the committee were desired to proceed in the further execution of it.

Intelligence from vice-admiral Rainsborough of two men-of-war from France appointed to transport arms and horse for Scotland.

York. Letters from the north, of a design to surprise York for the king, and at the time appointed for the royalists to enter the city: a troop of the parliament's horse coming thither

accidentally, the malignants taking them for their own party cried up the king, and so were discovered and prevented.

Letters from Newcastle, that colonel Bright's regiment and other parliament forces are come that way to guard the borders; that the governor of Berwick lays heavy taxes upon the English; that they and the king's party in Carlisle are impatient that the Scots forces do not come in to assist them, being daily expected.

The commissioners of the kirk of Scotland sent to the ministers to admonish their people not to engage in the intended war, under the pain of the displeasure of God; but the other party proceeded in their levies.

The commissioners of the kirk passed a declaration in answer and opposition to that of the parliament of Scotland, which, they say, is to restore the king to his honour before Jesus Christ be restored to his; and they declare their dissent from the intended war. Kirk.

We sat in the chancery this last day of the term from five o'clock in the morning till five in the evening.

16. An ordinance transmitted for punishing defaulters at musters in Kent.

Letters from the gentlemen of Cheshire, that they had fortified the castle and city of Chester: the house approved thereof, and ordered thanks to the gentlemen. 306

Letters from the gentlemen of the counties of Flint, Denbigh, and Montgomery, that they had entered into an association for securing those counties against the enemy: the house approved thereof, and ordered them hearty thanks for it.

The like from Lancashire.

The house agreed to the ordinance for the militia of London.

A petition to both houses accompanied with divers hundreds of the county of Surrey.

That the king may be restored to his due honour and just rights, according the oaths of supremacy and allegiance: that he may be forthwith established in his throne, according to the splendour of his ancestors. Petition.

That he may for the present come to Westminster with honour and safety, to treat personally for composing of differences.

That the freeborn subjects of England may be governed by the known laws and statutes.

That the war beginning may be prevented.

That the ordinance for preventing free quarter may be duly executed, and speed made in disbanding all armies, having their arrears due paid them.

Answer. The lords answered the petitioners, that they were at present upon consideration of the settlement of the kingdom, and doubted not but to satisfy all.

This petition was presented to the commons in the afternoon, when some of the countrymen being gotten almost drunk, and animated by the malignants as they came through Tumult. Westminster-hall, they fell a quarrelling with the guards, and asked them, *why they stood there to guard a company of rogues.*

Then words on both sides increasing, the countrymen fell upon the guards, disarmed them, and killed one of them, and wounded divers. Upon this alarm more soldiers were sent for from Whitehall and the Mews, who fell upon the countrymen and killed five or six of them, and wounded very many, chasing them up and down through the hall, and the lanes and passages thereabouts.

17. The day of thanksgiving for the success in Wales observed by the houses, but not much in the city.

City. After the sermons the house ordered the lord mayor, aldermen, and common-council of London not to suffer any multitudes of men to pass through the city, nor any to come in armed, and that the ordinance be renewed for putting papists and delinquents &c. out of the lines, and twenty miles from London.

Order that the committees of Kent and Surrey take care to prevent tumultuous meetings in those counties.

One hundred pounds given to captain Nichols, who brought letters from colonel Horton.

Order to examine and find out the authors and printers of some pamphlets.

Chepstow. Letters that lieutenant-general Cromwell came to Chepstow, where they drew out some forces against him, but colonel Pride's men fell on so furiously that they gained the town, and beat the soldiers into the castle, which being strongly fortified and provided, Cromwell sent to Bristol for some great guns, left a party before it, and marched with the rest to Pembrokeshire.

18. Both houses passed the ordinances for appointing the

militia of London and the liberties, during the pleasure of the houses, and for colonel West to be lieutenant of the Tower, and for major-general Skippon to be major-general of London, Westminster, and the lines. Militia.

Letters of St. Edmund's-Bury, that about six hundred got together in arms there, about setting up a May-pole, and they cried out *For God and king Charles,* laid hold upon some of the soldiers, and set guards in several places. May-pole.

That some troops of the parliament, quartered near, and some country foot, drew together, and kept in a body before the town all night, and kept them in on every side, who seeing themselves in that condition sent for a parley, and submitted to mercy.

Upon a letter from the prince elector, his brother prince Philip had leave to raise one thousand volunteers for the Venetian service. Prince Elector.

Report of a great design in London and the suburbs of rising for the king in a great body, and to destroy the parliament and city. London.

The house ordered notice hereof to be given to the common-council, and that the militia be put into a posture of defence, and that prisoners be secured, and a committee appointed to draw heads for an union and good correspondence between the parliament and city. Parliament and city.

19. Mr. Ashburnham and Mr. Legge, being apprehended, were committed to Windsor-castle.

Orders for the committee of Salop to secure such prisoners as they have surprised in Ludlow-castle, and for Winchester-castle to be garrisoned at the request of that country.

20. An ordinance transmitted to the lords for suppressing tumults.

The common-council of London returned in answer to the parliament's proposals for union and good correspondence, that they resolve to remain firmly joined against the common enemy. London.

And for this parliament, they did acknowledge with thankfulness their great care and pains for the kingdom, and particularly for this city, and that they would live and die with that parliament, according to their former protestation.

An ordinance passed the commons for putting papists and malignants out of the lines.

Order for captain Wogan and other officers and soldiers, who came off from major-general Langherne to the parliament's forces, to have their arrears, and that the prisoners taken in Wales and triable by martial law shall be so tried forthwith.

The general removed northwards.

Wales. Lieutenant-general Cromwell possessed Carmarthen, the forces being drawn into Pembroke-castle, where Langherne, Powel, and Poyer were, but some differences reported to be among them there.

22. Order for supplying the stores and taking off the saltpetre.

Letters from the mayor of Sandwich, that a young man was lately come thither who gave himself out to be the prince of Wales, and that many came to him to kiss his hand, and others sent him money. Vice-admiral Rainsborough advertised by letters the same thing, referred to the committee at Derby-house to examine this business, and to send for this pretended prince of Wales; and messengers went to bring him up.

York. The gentry of York agreed to raise horse and foot for defence of their country against all opposers of the parliament. Which the house approved, and ordered thanks to them for it.

307 Thanks ordered to the militia of London, and to major-general Skippon, for preserving the peace of the city, and securing the parliament.

The ordinance passed for advancing 50,000*l.* for the service of Ireland.

An ordinance passed both houses against tumultuous meetings to present petitions to the parliament.

Scotland. Letters from Edinburgh of great preparations in Scotland for raising forces, horse and foot; and that an act was published for putting that kingdom into a posture of defence against malignants, sectaries, and others; that general Leven laid down his commission, and that duke Hamilton was chosen general; that they gave a rich jewel to general Leven, and promised him 1000*l.*

Pontfract castle. Letters that eighty horse, each horseman carrying a footman behind him, came to Pontfract-castle, and set up their scaling ladders in the night, designing to surprise it for the

king, but the garrison took the alarm, and the sentries firing upon them, they all got away.

Colonel Rigby and the gentlemen of Lancashire raised the forces of that county to oppose the enemy.

Some gentlemen of Surrey came to the general, and desired him, in the name of that county, to command his soldiers, that no affront might be offered to the countrymen by the soldiers, and the country will take care that no affront be offered to the soldiers, but that they have necessary and lawful accommodation and respect, and that they were grieved that so much injury was offered to their petitioners, and so much Christian blood of their country shed.

23. Both houses passed the ordinance for putting malignants and papists out of the lines of communication, and twenty miles distant from London.

A petition from the supernumerary officers and soldiers for part of their arrears for their present subsistence, answered, that they must be satisfied with the security given to them and others already. Petition.

A petition from the city of London expressing their thankfulness for the granting of their former desires, and their joy for the votes of parliament, that they will not alter the government by king, lords, and commons, and will preserve the covenant and treaties; but that they are much grieved that their magistrates and fellow-citizens for a long time have been under restraint: they humbly pray the prosecution of their votes by the parliament for the settlement of peace, preservation of the union, covenant, and treaties, and that the aldermen now in the Tower, their recorder, and the rest of their fellow-citizens, restrained upon the same occasion, may be restored. City petition.

The lords gave thanks to the petitioners, and assurance that they would endeavour the settlement of peace, and to prevent a new war, and the discharge of the recorder; and that they may be united, their hearts fastened, and their hands strengthened to serve the parliament. Answer.

The commons gave an answer to the same effect, and voted the discharge of Mr. Recorder Glyn and divers other citizens from their imprisonments; that the forces at the Tower be joined with those at Whitehall and the Mews, till

the city militia be in a posture for the guard of the parliament.

The gentlemen of Montgomeryshire subscribed an engagement to adhere to the parliament, and to put themselves into a posture of defence.

Kent. 24. Instructions passed for the earl of Thanet to go down into Kent to quiet the rioters there, by assuring them,

1. That the houses have no such intent as the malignants have given out, to execute two of every town of them.

2. That they may have leave to present their petition by a few.

3. That upon laying down their arms, and repairing home, they shall have an ordinance of indemnity.

Vote. Vote by the commons, that after his majesty hath signed the bills for settling the militia, and for the presbyterian government, and recalled his declarations, &c. against the parliament, that then a treaty shall be had with him upon the rest of the propositions presented at Hampton-court.

The author and printer of a scandalous feigned engagement of the counties of Kent, Surrey, Essex, &c. ordered to be whipped and imprisoned.

Letters from colonel Duckenfield, that the gentry of Cheshire have engaged to adhere to the parliament, and to raise three regiments of foot and one of horse, if occasion be, for defence of their country.

Letters of some forces for the king come into Lancashire and North Wales, and of the readiness of the countries to oppose them.

Rioters in Kent. 25. Intelligence of the increase of the rioters in Kent, and their seizing some shipping and ammunition at Rochester, and their approaching near London, which, it was given out, they intended to plunder, referred to the committee at Derby-house, to order forces for the better security of the parliament and city; and notice hereof to be given to the general.

The lords voted an addition to the committee at Derby-house.

Debate touching provision of money for the forces in London, and for raising new forces.

26. Debate about the bills to be presented to the king in order to a treaty with him, and about the discontents and desires of the county of Surrey.

Upon information that the rioters of Kent had plundered the houses of many members of parliament who serve for that county, orders for the suppressing of them.

Some of their members had the thanks of the house for removing the ordnance and ammunition from Woolwich to the Tower.

Letters from Wales of the insurrections there well nigh suppressed, that two hundred and forty of the Welchmen, bachelors, were sent to the Barbadoes, and three shot to death at Cardiffe.

27. Orders for slighting of Banbury-castle, and for money for repairing and victualling of Windsor-castle, and for a hundred beds for the soldiers there, and for victualling of Dover-castle.

Reference to the committee of Derby-house, touching additional guards for the Isle of Wight, and to the committee of the navy touching the sea-guards.

Upon a petition from the rioters in Kent,

Ordered, that they shall have indemnity and pardon, if they forthwith lay down arms, restore what they have taken, retire to their own dwellings, and engage to be quiet for the future.

Upon this, many of the multitude, who were come as far as Greenwich and Deptford, retreated home, and left the ordnance, and what they had taken, behind them. 308 Kent.

Letters from Cornwall, that sir Hardress Waller had routed and dispersed the forces there for the king; that he had killed near a hundred, and took about two hundred of them prisoners, and let the rest go home to their own dwelling.

Letters from colonel Ewer of his taking of Chepstow-castle, sir Nicolas Kemish slain, an hundred and twenty prisoners taken. Chepstow.

Order for 50*l.* for the captain who brought the news, and for a letter of thanks to colonel Ewer and his officers and soldiers.

Letters from vice-admiral Rainsborough, of the revolt of some of the ships under his command; and that they had set him on shore, and had sent to the earl of Warwick to take the command of them, and declared for king, parliament, and covenant. Ships revolt.

The commons referred this business to the committee of

Derby-house, and to follow the humour of the revolters:

Vote. they voted, that the earl of Warwick should be lord high admiral of England, and forthwith go to take care of the navy.

Sir Hardress Waller. Order for a letter of thanks to sir Hardress Waller, his officers and soldiers, for their good service in suppressing the insurrection in Cornwall.

Kent. Letters from Kent, that the rioters increased there to a great strength, and committed many plunderings and insolencies; the house left the business of reducing them wholly to the management of the general, with power for him to give pardons and indemnity to any but only to such as had been formerly in arms against the parliament: in pursuance hereof the general had a rendezvous upon Blackheath of seven regiments of horse and foot, and marched towards Rochester.

Letters of Cromwell's success in Wales.

Letters from Scotland, that the levies of soldiers there are opposed in some counties.

The north. From Newcastle, that Langdale left five hundred foot and a troop of horse at Berwick, that the number of the cavaliers in those parts were about eight thousand:

That major-general Lambert was come with about nine hundred horse to Bernard-castle.

The three bills to be sent to the king, in order to a treaty, transmitted to the lords.

Some members added to the committee of Derby-house, six lords and twelve commoners.

Referred to major-general Skippon to take care of the ordnance at Whitehall, and of sending beds to Windsor.

Ordinances passed the commons, giving power to the militia of London to send guards to the parliament, and for 6000*l.* for satisfying the engagement of colonel Welden to the inhabitants of Plymouth.

Kentish rioters. The Kentish men grew numerous under esq. Hales their general, and sir Thomas Peiton their lieutenant-general, who sent a message by a trumpet to the lord general for a pass for their commissioners to come and treat with him; but the

Fairfax. general refused it, answering, that he knew no authority they had to appoint commissioners for such a purpose. But finding them and their countrymen gathered together in arms,

and doing many acts of hostility and damage to their neighbours, in disturbance of the peace, and without any authority from the parliament, he cannot admit of a treaty with them whilst they are thus in arms.

But if they shall forthwith lay down their arms and depart to their homes, he doubts not but the mercy of the parliament will be extended to the estates and lives of those who have been deluded into this rebellion, and their justice only against some of the most eminent fomenters of it.

Some skirmishes were between parties of the army and the Kentish men, some few of them slain, and about a hundred prisoners taken: they fought stoutly.

31. The monthly fast: they had three sermons in the house.

The Kentish men sent a resolute reply to the general's letter, justifying themselves and their cause.

The house sat till after six o'clock at night.

June 1648.

1. Debate of an ordinance touching the arrears of many officers and soldiers who have served the parliament.

A petition from the lord mayor and common-council of London, to acquaint the houses with a petition presented to the common-council, which they desired to tender to the houses, and to leave to their consideration. Petition.

It was,

1. To return thanks to the common-council for their endeavours for a personal treaty.

2. That the militia of London, Essex, Hertford, Bucks, Kent, Sussex, and Surrey might be associated.

3. That captain Batten might be restored to the place of vice-admiral.

4. That the distempers in Kent might be appeased.

5. That the aldermen under restraint might be discharged.

The answer of both houses to the petition was,

That they perceived the wisdom and moderation of the common-council in this business, and thereby their good affections to the parliament, for which they gave them thanks, and desired that a common-council might be called this afternoon, to which the houses resolved to send some of their members to acquaint them with the sense of the houses upon such petitions. Answer.

Intelligence that the general, with four regiments of horse and three of foot, and some companies of colonel Ingoldsby's

regiment marched to Eltham, and lay in the fields all night. May 31, they had a rendezvous at Crauford-heath, and from thence marched through Dartford; and the general having intelligence that a party of the Kentish had fortified and barricadoed a bridge which led to Gravesend,

A commanded party was sent forth under major Husbands
309 of three hundred horse, who took up an hundred foot behind them: when they drew towards the bridge the enemy fired thick upon them, but they notwithstanding fell on, and the horse swam through the water, and so got over.

The Kentish men seeing their danger fled, major Childe, who commanded them, hardly escaped, having his horse shot, and his son was shot, and taken. About twenty of the Kentish were slain on the place, divers wounded, and thirty prisoners taken: most of the party routed were countrymen, seamen, and apprentices of London.

Major Husbands marched on two or three miles beyond Gravesend, and had orders to retreat to Maulin, where the army quartered.

The general published a proclamation forbidding his soldiers to plunder, or commit any outrage in their march, and to restore any thing that had been so taken. Many knights and gentlemen of quality and cavaliers were with the Kentish men, and their numbers were increased to above ten thousand.

Major Gibbon went with a party to relieve Dover-castle, and forced sir Richard Hardresse, who had besieged it, to retreat.

London. 2. A report from the committee who were sent to the common-council, that they did return their humble thanks to the parliament for sending the committee to acquaint them with the overtures of favour the parliament have made to the petitioners of Kent. The common-council acknowledge the great patience and low condescension of the parliament towards the Kentish men, and are fully satisfied in what hath been delivered to them from the committee in relation to the clemency of the parliament.

The commons seeing the city a little staggering, and inclining to favour if not to assist the Kentish men, and knowing the great danger thereof, held it the most prudent course to seek to win them by fair and courteous and condescending

means to the parliament, rather than to adventure a ruffle with them.

Their committee carried it with much discretion and moderation this way, and the issue proved effectual. The house ordered these proceedings with the common-council to be printed, that the kingdom may take notice of the good understanding between the parliament and city; and how far both are sensible of the designs of the common enemy to bring a second war upon the kingdom.

Order to send the three bills to the commissioners in Scotland, to be by them communicated to the parliament there, that both kingdoms may proceed in a brotherly union against the common enemy, and in prosecution of the covenant, according to the example of the kirk of Scotland. Scotland.

Letters from Kent, that after the pass gained by major Husbands, which was kept by sixteen hundred of the Kentish men, they fled; and although they were six thousand foot and one thousand horse, equal in number to the parliament's army, yet they would not stand a fight. Kent.

That the general advanced towards Maidstone sooner than he was expected, and had intimation that two hundred of the enemy were quartered there; a commanded party was drawn out to force entrance into the town; the enemy prepared for a defence, and had a thousand horse and foot brought in for their assistance. About seven o'clock in the evening orders were given out for storming the town, at which the soldiers shouted, and fell on with much violence, but, contrary to expectation, found as resolute opposition; yet, after a small dispute, forced their entrance into the town, and then thought the difficulty of the service had been over. Maidstone.

But the enemy had drawn in eight hundred more to their assistance, which made them up complete two thousand, and had so lined the streets, in the several houses, and placed so much case-shot in every street, that the business became very disputable till almost twelve o'clock at night, and every street in the town was got by inches.

The number of the slain of the Kentish men were above two hundred; of the parliament's forces not above forty; of them captain Price was one. The prisoners taken by the parliament were four hundred and upwards, with four hundred horse and two thousand arms: of this select brigade of the

enemy few were countrymen, but many of the king's party, and men of quality, some seamen, and the rest apprentices and watermen, who came from London and thereabouts.

That the enemy drew out of Rochester in a main body within two miles of Maidstone, and the general, to answer them, drew out three regiments of horse and one of foot, the better to secure those that stormed; and they stayed at that distance till the whole business was disputed.

Fairfax. The general, though much disabled by indisposition of health, and having a great fit of the gout then upon him, yet could not be prevailed with to remain with the body in the field, but with his foot wrapped up he mounted on horseback, led on his men in the greatest danger, and was one of the first in all this action.

Both sides did their part with much valour and resolution, and there was scarce any action in the former war more desperate and hazardous and better performed than this was.

This day the box money in chancery came to 27*l.*

3. Letters from the general of the defeat of the Kentish men at Maidstone, and that they had since quitted Rochester, and the general was possessed of it, and that the women of the town were so much enraged against the cavaliers for leading their husbands into ruin, that they were ready to have beaten them out of the town.

That since the quitting of Rochester, the countrymen leave the field apace, and return home; that some thousands of their

Goring. forces, horse and foot, with Goring in the head of them, took their march towards London, thinking a great part of the city would join with them; that the general sent five hundred horse to pursue them.

Order for thanksgiving to God for this victory, and the messengers that brought the news from the general had good gratuities given them.

London. Letters came from the Kentish men to the lord mayor, aldermen, and common-council of London, desiring assistance and association with them, but the city would do nothing thereupon, but acquainted the parliament with the letters.

Thereupon the house ordered, that they should have thanks for communicating these letters, and for not doing any thing in answer or satisfaction thereof.

Then, the house being in a good humour, it was moved

that they should consider of the eleven members, and the aldermen of the city, now prisoners in the Tower, and the house voted the discharge of all of them, the impeached lords Willoughby, &c., the eleven members, Hollis, &c., and the three aldermen. Eleven members, &c. discharged. 310

Order for a letter of thanks to the general and his officers and soldiers for their great service at Maidstone. Whilst the chancery court was sitting, there was a tumult and drawing of swords in Westminster-hall, which some feared had been a new rising, but it proved only upon the arrest of a soldier.

4. Intelligence came that the lord Goring and his company where at Blackheath, but seeing none of the city came forth to join with them, and the countrymen divided, and not willing to engage further, or that Goring should be their general, and a small party of the parliament's horse coming within sight of them, the Kentish men were struck with fear, and most of them fled; the parliament's horse came on, and took many prisoners and much pillage. Goring with about five hundred of the chief of them hasted to Greenwich, and thence ferried over in lighters and boats to Essex side, and making great haste, some of them did swim, and many were drowned. The seamen and watermen that had before joined with them now set upon them, and took many prisoners and good pillage. Kent. Goring.

5. Letters from the general of a full account of the whole business of Kent, and recommending to the house the widow of captain Price slain in that service; the house ordered his arrears to be audited, and allowed 200*l.* more to his widow and children.

Order for thanks to the general for his great service, and that his letter be printed, that the people may see how they are deluded by the malignant party.

The ordinance passed for settling the militia of Cornwall and Devon.

The house voted the lord Goring to be a rebel for raising forces in Kent and in Essex against the parliament, and referred to the committee of the north to continue such garrisons as they think fit. Goring prevailed with a party in Essex to join with him; they quartered at Bowe; and colonel Vote.

Whaley, with a party of the parliament's horse, at Mile-end: some skirmishes were between their scouts. The houses passed
Indemnity. an act of indemnity for all of them (except Goring, and some few others) if they forthwith lay down arms; and the act was sent down to them.

Scotland. Letters from Scotland of great distractions among them, and difficulties to raise their army; which the clergy opposed, and Mr. Gillespie preached to be against the covenant.

Letters from Newcastle of the preparations in Scotland (if their differences hinder not) for an army's coming into England; that Berwick and Carlisle are supplied with arms and other things from thence; that the Scots in Ireland are expected, and money sent to fetch them; that Langdale's forces were about eight thousand, and no relief from the parliament of England to their party.

6. About twenty of the king's party came with corn, and frocks over their clothes, pretending to supply Pontefract-castle, and having arms under their frocks they seized upon the main guard, part of whom they had corrupted, and another party
Pontefract-castle surprised. of the king's lying in ambuscado near hand entered and surprised the castle. The house referred it to the committee of Derby-house to consider of the speedy sending some of the forces in Wales to the northern parts.

Spanish ambassador. Upon information from the militia of London, that the Spanish ambassador here, by reason of some victories lately obtained in Spain, had appointed bonfires to be made, which would occasion great confluence of malignants and tumults, the house sent to desire the ambassador to forbear the same in these tumultuous times, till the peace of the kingdom should be better settled.

Order for the garrison of Liverpool to be taken into pay.

The lords concurred in the discharge of the seven impeached lords, the eleven members, and the three aldermen in London.

An ordinance committed for the sequestering the estates of Powell, Langherne, and Poyer, and proceeding against them as delinquents. The general sent colonel Rich to raise the siege at Dover.

Letters from Wales, that Overton's regiment and part of sir W. Constable's regiment, commanded by lieutenant-colonel

Reade, stormed the suburbs of Tenby, took twenty horse, and killed some; that about a week after that, the town and castle were surrendered upon mercy to the parliament.

That the townsmen, seeing nothing but ruin, brought the desperate officers and country gentlemen to a compliance, although they had sufficient provision, three hundred soldiers, thirty-five guns mounted, and twelve barrels of powder.

That Pembroke town and castle was besieged by lieutenant-general Cromwell; that Poyer had in the castle three hundred horse and many foot.

That the Lion, a ship of the parliament's, riding in Milford Haven, sent to Cromwell two drakes, two demi-culverins, and two whole culverins; that when two of them were planted, and shot off against the castle, at the same time the parliament's soldiers stormed a village under the south gate of the town, of great advantage to the besiegers:

Which Poyer perceiving, pulled in his red flag. That the horse in the town made desperate sallies, but were beaten back with loss on both sides; they desired to come out, but it would not be granted but upon mercy; that they had no grass for their horses, but pulled off the thatch from the houses for them: they gave no quarter to the parliament's dragoons, nor the dragoons to them.

7. The assembly of divines presented to the house a congratulatory letter from the assembly here to the assembly in Scotland, to strengthen the amity and union of both kingdoms; which the house approved. Assembly of divines.

Order to forbid the making of Reading a garrison, or any other town in Barkshire, without leave from the parliament.

A pass from both houses to prince Philip, to return with twelve horses beyond seas.

Upon a petition of the inhabitants of Westminster, Mr. Glyn, who served for them, was readmitted a member of the house.

Order for securing Newport-Pagnel.

Intelligence that the malignants were up in Lincolnshire under colonel Dr. Hudson and colonel Stiles.

Letters that colonel Rich had relieved Dover-castle, and that sir Richard Hardresse, who besieged it with two thousand men, and had taken the blockhouses, ordnance, and ammunition, fled upon the approach of colonel Rich and sir Miles Dover-castle.

Livesy, who were possessed of the town, blockhouses, and all their quarters and ordnance, and colonel Rich in pursuit of sir Richard Hardress.

311 Letters from Essex, that the parliament's commissioners having published the indemnity at Bowe, sir William Hickes and divers other gentlemen submitted, and the lord Goring retreated, but sir Charles Lucas persuaded them not to lay down arms, but to continue in a body; and that they had seized upon sir William Hickes, and other gentlemen, and plundered some, to the discontent of the inhabitants.

Goring.

The general sent some additional forces to colonel Whaley by direction of the house, and that he should presently fall on the Essex men. And the members of Norfolk and Suffolk had instructions from the committee of Derby-house for preservation of the peace of those counties.

Jersey. Letters from Jersey of cruel oppressions and tyranny by Cartwright the governor there, and soliciting for relief.

C. Waite. 8. Letters from colonel Waite, that he had fallen upon those who made an insurrection at Stamford, had killed their commander Dr. Hudson and others, and taken many of them prisoners, but discharged the countrymen.

The house approved what he had done, and ordered him thanks for it, and that the general should send him a commission of martial law to try the prisoners.

Referred to a committee to take order for transporting beyond sea some of the prisoners taken in Kent and Essex, except such as had formerly served the parliament, and revolted from them, and those to be tried by martial law.

Referred to the master and wardens of the watermen, to find out and disfranchise such watermen as had joined with the rebels in Kent and Essex, and the like for the London apprentices.

Order for the militia to put in execution the ordinance for putting papists and delinquents out of the lines.

Letters from the navy that the ships at Portsmouth submitted to the earl of Warwick, and resolved to be for the parliament.

9. Intelligence that the lord Capell was very active in Hertfordshire to raise a body for the king, referred to the committee of Derby-house to take speedy order to suppress them.

A petition from the county of Sussex answered with courtesy.

10. Letters from North Wales, that colonel Carter and lieutenant-colonel Twisselden, with the assistance of thirty horse and seventy foot from Chester, intending to join with colonel Mason and colonel Mitton, who were in Caernarvon-castle, marched towards them; but sir Jo. Owen, to prevent their joining, drew off from his siege of Caernarvon with an hundred and fifty horse and an hundred and twenty foot, and met colonel Carter upon his march. Wales.

The forlorns of both parties encountered, and the parliament's horse were forced to a disorderly retreat; the enemy pursued with their whole body upon the reserve of the parliament's, who received their charge, and after a hot dispute routed them.

Captain Taylor, singly encountering sir John Owen, after he had broken his sword upon his head, closed with him, dismounted him, and took him prisoner, and his party immediately fled.

There were killed of them thirty, and sir John Owen, with divers others of quality, and sixty private soldiers, taken prisoners: four of the parliament's soldiers were slain, and divers wounded, and many horses killed on each side.

Orders for 200*l.* for captain Taylor, and gratuities for divers others; and for disposing of the prisoners.

Letters of an agreement betwixt the general and the Kentish men, and that the five revolted ships are willing to submit upon an act of indemnity, which the general hath promised them.

That sir Thomas Peyton was taken prisoner at St. Edmond's-Bury; the lord Goring, sir Charles Lucas, and the lord Capell coming to them, increased in numbers in Essex; whereupon the lord general Fairfax advanced to Gravesend, intending to pass over his men there into Essex. Goring.

12. Order upon letters from the governor of Newcastle for 1500*l.* for that garrison, and that no free quarter should be taken, but only of such as refuse to pay their assessments, and letters thereof to be written to the committees.

Order for those gentlemen who formerly attended the duke of York to attend the duke of Gloucester, and four more added to them, and 2500*l.* per annum, for maintenance of his family. Duke of Gloucester.

Letters from colonel sir Hardresse Waller of the disarming some in Exeter. Major-general Lambert advanced to Langdale, who retreated, expecting assistance from Scotland.

A soldier of Hemsley-castle was offered 100*l.* in hand, and 500*l.* more, and to be knighted, if he would betray the castle to the king's forces; but he discovered the plot, and the agents were apprehended.

Pontefract-castle was besieged by eight hundred horse and foot, but at a distance; the king's party there being two hundred and fifty horse and four hundred foot.

Lancashire. The committee of Lancashire ordered four regiments of foot and two of horse to join with major-general Lambert, laid an assessment of 3000*l.* to advance them, and kept a day of fast to pray to God for his blessing upon them.

13. The house approved of the articles of Canterbury, and what the general had done in reducing of Kent.

A day of thanksgiving appointed for the good success in Kent, and a narrative thereof to be read in churches.

Orders touching compositions of delinquents.

A report made of a design to surprise Nottingham-castle, but the governor, captain Poutton, surprised and took prisoners the complotters.

Letters from the head-quarters, that Ireton, Rich, and Hewson's regiments had reduced Canterbury (wherein were three thousand arms, good horse, and twenty-four colours) and the other castles.

Revolted ships. The general sent by letter an offer of indemnity to some revolted ships at Deal, but a boatswain told the trumpeter that brought the letter, that they did not owe the parliament so much service as to write answer to any that came from them, and so the ships set sail, and went away.

Essex. That the general put over his forces with much trouble at Gravesend into Essex, where colonel Whaley and sir Thomas Honeywood, with two thousand horse and foot of the country, joined with him, who kept many from going to the king's party.

Among others, fourscore horse out of London, most or all gentlemen, (intending to be as a guard to the prince of Wales, when he came,) in their march were met with some of Whaley's
312 horse, many of them killed and taken, the rest dispersed; among them were four brothers, three of whom were killed

or mortally wounded; and the countrymen took many prisoners.

That Goring marcheth about four thousand, whereof six hundred horse, and about two thousand five hundred are well armed; that he touched at Lee's, and took horses, guns, and arms of the earl of Warwick's, and marched from thence toward Colchester.

That many of Essex came in to the general, who wrote to Suffolk to pull up bridges and cut down trees in the way, to hinder the march of the enemy.

I reported to the house the appointment of the judges for the next summer circuit.

14. Order for the trial of sir John Owen and the rest of the chief actors in his business.

An ordinance passed for 42,000*l.* for arrears of disbanded officers and soldiers.

Order renewed, that such as shall take up arms without the authority of parliament shall die without mercy.

A letter ordered to the States of Holland for apprehending three revolted ships gone for Holland, and an order for payment of part of their arrears to others of the revolted ships that were come in again upon the act of indemnity. Revolted ships.

A committee appointed to draw up a declaration touching the business of Kent.

15. Ordered, that the committee of Goldsmiths'-hall do print all their receipts for compositions, and how the moneys have been disbursed, that the aspersion upon the parliament may be cleared, of their receiving many millions by compositions for which they could give no account. And that the order should be printed, that none shall pay their fifth and twentieth part but delinquents. Aspersion on the parliament.

An additional ordinance committed for putting papists and delinquents out of the lines of communication.

An ordinance transmitted to the lords for putting the county of Radnor into a posture of defence.

A committee appointed to take order for twenty persons of the king's party to be apprehended and sent down to the general, to be kept in like harsh usage as sir William Masham and others sent down by the parliament are kept in by the lord Goring, until they be exchanged. Goring.

Orders concerning saltpetre.

16. Ordinance passed for putting papists and delinquents out of the lines of communication, and twenty miles from London, and four days' time given them to depart the town; and that delinquents who have not presented their compositions, and sequestered ministers, shall be taken to be within this ordinance.

An affront to sir Henry Mildmay by a footman of the duke's, referred to a committee to be examined.

Colchester. Letters from Colchester, that the great ones had a purpose to escape, had shipped their goods, but were prevented by the parliament's horse and dragoons, who took in Marsey island and fort, by which they intended to escape, and by land their body cannot stir.

That many of the townsmen came away to the general, whose soldiers are enraged against those of Colchester for the loss of their commanders. That the general hath five hundred prisoners, most of them taken from the gates of the city; that sir William Masham and the rest of the committee are detained prisoners by Goring.

That the enemy buried sixty of their slain men in one churchyard, besides those killed in the other part of the town, and many of them wounded; that sir William Campion, colonel Cooke, two majors, and other officers, were slain, many of quality wounded, and many of the trained bands, whom the general released.

They say that colonel Farre, lieutenant-colonel to the earl of Warwick, led them out into the field, and into Mr. Grimston's house, and when he and the men fled, being galled by the parliament's musketeers, he got to the gate, and caused it to be shut, and left his men to be cut in pieces by the parliament soldiers, if they had not been more merciful.

That the general closely beleaguers the town, his train being come up to him, but intends, if possible, to preserve the town from fire and plunder. That sir Bernard Scudamore, colonel Stewart, and colonel Thorneton were taken at Newmarket raising forces for the king.

That the trumpet sent by the general into the town, to see in what condition sir William Masham and the other gentlemen prisoners there were, returned that they were in a reasonable good condition.

That captain Zanchy, who took in Marsey fort and island,

found there two culverins, two sacres, and one drake: and that captain Peacock and the commander of the ships at Harwich offered their assistance to the general.

Order for raising two troops of horse in Northamptonshire, and for money for the army.

Order about settling ministers in particular parishes, and for reviving the committee of examinations, with power to suppress scandalous and unlicensed pamphlets.

17. Debate that every officer, before he had his commission, should take the covenant, laid aside.

A commission to colonel Herbert to raise forces for the isle of Ely.

Vote for a strong summer's fleet for defence of the kingdom, and to reduce the revolted ships, and a gratuity to be given to the officers and mariners of the fleet.

Orders about levying the assessments for the army.

Letters of the general summoning Colchester to render to the parliament, and that the lord Goring asked the trumpet who brought the summons how his general did, and bid him tell his general that he heard he was ill of the gout, but that Goring would cure him of all diseases: that the soldiers were highly enraged at this scoff to their general. Goring.

It is a mischief to jest and droll in matters of great and serious consequence, and at persons of power, to which this lord Goring was too much addicted; and this little jest upon the general was thought by some to cost the lives of many of his party, and perhaps to have been a furtherance of his own period.

Jests without bitterness are pleasant in familiar friendly conversation. Upon serious and great matters or persons they are unseasonable, and often pernicious to the venter of them.

The lord Goring, lord Capel, and sir Charles Lucas sent to the general for a list of the prisoners he had taken of their party, and the general sent it to them.

19. Order for sir Hardress Waller to permit no new forces to be raised in Devonshire and Cornwall, but to make use of the trained bands there, if there shall be occasion.

Debate about breaking the chamber of Mr. Charleton, a member of the house, and taking away a ward from thence: 313

the affront referred to a committee, the matter of the ward referred to the law.

Vote to readmit Mr. Walter Long a member of the house. The case of sir John Clotworthy referred to the committee of privileges to examine.

The county and the city of Chester raised forces for the parliament, and desired that captain Carter might command those of the city; which the house granted.

A letter sent to old sir Robert Booth, inviting him to raise forces for the king, was by him sent up to the parliament, and they referred it to a committee.

Referred to a committee to examine some mariners upon suspicion of plotting against the parliament.

A battery being made against Pembroke-castle, an assault was attempted, but the parliament forces were repulsed with the loss of three and twenty men, and but four of the garrison.

Colchester. Letters from Colchester, that a party of three hundred horse issued out of the town, and returned with forty head of cattle and a hundred sheep, and were not met with by the parliament's forces sent after them. That lieutenant-general Cromwell hath planted his cannon, and intended the next day to begin his battery.

Langdale. Lambert. Letters from the north, that Langdale marching towards Carlisle, Lambert fell upon his rear, into the quarters of a regiment newly raised, which he totally dispersed and brake; that the officers fled after Langdale, and the soldiers threw down their arms, and ran home, seeming glad of the opportunity.

That Lambert's men pursued another party of Langdale's, and took some prisoners; that Carlisle was unwilling to receive Langdale's forces, saying, they would rather lose their lives than be forced to eat horseflesh, as they had been before.

Scotland. Letters from Scotland, that an army will be forthwith raised there; that duke Hamilton goes along general, and hath already six thousand horse, foot, and dragoons; that Middleton is major-general of the foot, and the earl of Kalender lieutenant-general of the horse.

That their parliament have adjourned for two years, and

left a great power to the committee, who act vigorously for the war, so that the chancellor, the lord Wareston, and others have left them, and are gone to the earl of Argyle.

That an act is passed for punishing all such as preach or write or speak against any thing done by the parliament, or by any authority derived from them; that Holborne is gone with a thousand horse to fetch in the earl of Argyle and his party.

20. Both houses reciting former votes passed 20 Maii 1642, viz. Votes.

1. That it appears that the king (seduced by wicked counsel) intends to make war against the parliament, who in all their consultations and actions have proposed no other end to themselves but the care of the kingdoms, and the performance of all duty and loyalty to his person.

2. That whensoever the king maketh war upon the parliament, it is a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of this government.

3. That whosoever shall serve and assist him in such wars are traitors by the fundamental laws of this kingdom, and have been so adjudged by two acts of parliament, and ought to suffer as traitors. 11 Ric. II. 1 Hen. IV.

The lords and commons now declare, that it appears that divers who have assisted the king in the late war against the parliament, and divers others, endeavour to levy a new war against the parliament.

That all such are traitors, by the fundamental laws of this kingdom, and have been so adjudged by the said two acts of parliament.

And they ordered, that these votes be printed and published by the sheriffs in every market town and by the judges in their circuits.

An ordinance passed to establish colonel Welden governor of Plymouth, and 100*l.* ordered him to buy horses.

Orders for raising forces in Nottinghamshire and Lincolnshire, and that the militia of Lancashire present to the general a fit person to be governor of Liverpool.

Colonel Ralph Ashton approved to command the Lancashire brigade to join with major-general Lambert.

Colonel Russel ordered to go to his government in Jersey.

Letters from lieutenant-general Cromwell, that the garri- Pembroke.
son of Pembroke begin to be in extreme want of provisions,

that they mutinied, crying out, *We shall be starved for two or three men's pleasures; better it were that we should throw them over the walls.*

That they have taken away the water from the castle, and that Poyer is in much danger of his own men; that he endeavoured to storm the castle, but the ladders were too short, and he lost some men. That Poyer allows his men but half a pound of beef, and as much bread a day, and hath promised not to hold out the castle longer than the town can hold out; that he fired many houses in the town, which much frighted them.

Colchester. Letters from the leaguer before Colchester, that the parliament's ships at Harwich took two ships that lay to assist the king's party at Colchester; that they sent out forces to assist their ships, but a party from the leaguer fell on them and took forty of them prisoners; that lieutenant Gardiner was taken prisoner by them.

Sir Charles Lucas. That sir Charles Lucas sent a trumpet proposing an exchange of prisoners, but the general answered, that sir Charles Lucas had forfeited his parole, his honour, and faith, being his prisoner upon parole, and therefore not capable of command or trust in martial affairs. To this an answer and excuse was presently returned.

The committee, sir William Masham, and others under restraint in Colchester, sent a paper signed by them to the general, entreating him to enter into a treaty for peace, and in the same paper a line or two, signed, *Norwich, Arthur Capel, Charles Lucas.*

21. Ordinance committed for settling the presbyterian government.

Additional power given to the committee who are to apprehend twenty of the king's party in lieu of those detained in Colchester.

The committee of Essex ordered to go down to endeavour the securing of that county.

An ordinance passed for settling the militia of Bristol, and for 1000*l.* for the fortifications and victualling of it.

Order for a demi-culverin to be taken out of Arundell-castle for the service of the Isle of Wight.

314 Mr. Doucet and others, who endeavoured the king's escape out of the Isle of Wight, committed to Peter-house.

Order for a thousand muskets, five hundred case of pistols, with their furniture, four thousand pikes, and five thousand swords, with ammunition for the northern service.

Order for the common-council to take care that at the common-hall for choosing of sheriffs none be admitted but those of the liveries.

Letters that those in Colchester are fortifying apace, and getting in provisions, and have imposed a fine upon the town, forcing all between sixteen and sixty years old to bear arms, and are preparing horse and hand-mills to grind their corn. Colchester.

That the general began a work which his men maintained with great resolution; that those in the town sent a trumpeter for a treaty; that they twice attempted the regaining of Marsy-fort and island, but were beaten back; that the earl of Norwich persuades his men that London was plundered, and that Langdale was coming with ten thousand men to fall upon the general's rear, who was willing to draw off, and had sent a trumpet to the town for that purpose.

The weather was strangely cold and rainy for this time of the year.

22. Order for the general to proceed against captain Vesey by martial law, he being a captain of the trained bands in Essex, that persuaded his company to join with the lord Goring, and was since taken prisoner by the general.

A petition from the contractors for sale of bishops' lands, touching obstructions in that business, referred to the committee of obstructions. Committee of obstructions.

Debate of an ordinance for settling the militia of Westminster.

Ordinance passed for discharging the sequestration of sir John Strangeways and his son.

Debate of the state of the navy, and ordered that an ordinance be brought in for 40,000*l.* out of the excise for the navy.

Order for the committee of the army to pay 2500*l.* borrowed by them of the committee of the navy, and that the summer's fleet be fitted in order to the reducing of the revolted ships.

Reference to the committee of Derby-house, to take care for the safety of the Isle of Wight both by land and sea.

23. Debate touching the settlement of the peace of the

kingdom, and a committee appointed to consider how far the parliament have gone, and what offers have been made by the king in order thereunto, and what is fit further to be offered to him, and of the place, manner, and circumstances relating to this business.

A question was proposed but not passed, whether the king should be removed from Carisbrook-castle to Windsor-castle, in order to a personal treaty with both kingdoms.

Order for printing a letter of colonel Hamond's, and a charge by one Osborn against him and captain Rolfe.

Order for the house to adjourn from every Friday till Tuesday after.

Colchester. Letters from the leaguer before Colchester, that thirty horse and forty foot sallied out of the town to discover the new work that the general was making, and were beaten back by fourteen of the parliament's musketeers, and that six foot-soldiers went over the river, and brought away six cows within pistol shot of the main work of the town; that some men were killed by the cannon on both sides.

That the Suffolk forces not being come up to the leaguer, the enemy had free passage to sir Harbottle Grimston's house at Bradfield-hall, where they placed two hundred musketeers and two troops of horse, and they sent a summons to the Suffolk forces at Cattaway bridge.

That by command of sir Charles Lucas, commander-in-chief of his majesty's forces in Essex, they desire to know the positive answer of the Suffolk men, whether they will declare themselves enemies or not to those in Colchester, who are come to preserve the hundred from plunder, and not to act any thing against those of Suffolk, if they declare either to be friends or neuters, and their intention to be only to secure their own county.

The general published a proclamation, that whereas he had offered liberty to all private soldiers laying down their arms, and leaving the party in Colchester, to depart to their private homes, and to be free from any violence of the soldiers; with conditions to persons of other quality; he commands all his officers and soldiers to permit them so to do.

Some were full of fears of tumults, to-morrow being Midsummer-day.

24. Letters from Colchester leaguer, that the weather

being extreme wet, some began to sally out of the town; but the parliament's soldiers, and those of the trained bands, notwithstanding the wet, stood to their arms with so much readiness and cheerfulness, that the cavaliers went in again.

That the Suffolk forces made some scruple of marching out of their own county; that the party in sir Harbottle Grimston's house plundered it, and turned out his lady.

That the Suffolk forces were come up to the leaguer before Colchester, two thousand foot and five troops of horse, and had intrenched themselves before the east gate, and left a competent force to secure Cattaway bridge and other bridges behind them.

This Midsummer-day was quieter than was expected.

26. Both houses agreed upon a committee to consider of the manner and place of treaty with his majesty for settling the peace of the kingdom.

Vote that the election of Mr. Mildmay was void, and sir John Clotworthy to be readmitted a member of the house.

A note was sent to Dr. Burges in his pulpit, desiring him Pulpit.
to give thanks to God for preserving his majesty from poisoning, and to pray for the forces under the earl of Norwich, the lord Capel, and sir Marmaduke Langdale.

Order that the militia of London do send for the parties whose names were subscribed to this note; and that bishop Wren and Mr. Capel, the lord Capel's son, be added to those who are to be sent prisoners to his excellency, and to be exchanged for or used as the committee of Essex in restraint with the lord Goring are.

Northern letters, that major-general Lambert hath retaken Appleby-castle and Greystock-castle, and some arms and ammunition; that the Lancashire forces, one regiment of good horse and two regiments of foot, are joined with him; that they advanced eight thousand horse and foot against Langdale, who retreated to Carlisle, and avoided fighting, but sent eight troops of horse, whereof two were gentlemen excellently mounted, towards Berwick, and their motions were attended by colonel George Fenwick and Mr. Sanderson.

That the Scots are daily expected by Langdale, but many 315
of the contrary party, both Scots and English, fly into England, and affirm that the prince is expected in Scotland, that Scotland.
great violence is used towards all that will not adhere to the

new war. Some ministers executed, more imprisoned, all to be secured, and their goods confiscated, who oppose this war; that there are great distractions and feuds among them.

Colchester. A petition from the inhabitants of Colchester, and a letter from the lord Goring in their behalf, was brought to the general, that liberty might be granted to the bay and say-makers in that town to have a free trade with London during the siege.

Fairfax. The general answered, that they should have considered this, and divers other inconveniences of war, before they had admitted the forces now in their town. He recites the former subduing of the parliament's enemies, and the quiet and free trade thereby enjoyed by that town and all the kingdom till this new war.

That the present interruption of their trade is brought upon them, not by his default, but by those whom the town hath harboured, and the townsmen, and that to grant liberty of trade to persons besieged, so much advantage to them and prejudice to the besiegers, is such a motion as was never yet granted.

That their hopefullest way to a free trade will be to attend to a restitution of the town and county to the condition they were in before these forces were among them, and as, in order thereto, he offered fair conditions in a letter to the lord Goring, lord Capell, and sir Charles Lucas, (though perhaps concealed from the town,) though they be rejected by them, yet that he shall be ready to make good the same to all that shall timely embrace them, except those three persons themselves.

That in the mean time there are with him sundry gentlemen of quality, and townsmen of good estates, and eminent in trade, who offer to buy all the bays and says in the town at the usual prices, and to pay for them within a fortnight after the town shall be rendered or quitted to him.

And that though it be without example to a besieged town, yet he will give leave for their commodities to be brought to a heath near the town, to be bargained or returned back, as there shall be occasion.

A trumpet came from the lord Capell to desire the general that an agent of the bay and say-makers of the town might come and treat with his excellency about their free trade.

The lord Capell's trumpeter and colonel Peyton's trumpeter

and divers soldiers came from the enemy to the general, according to his proclamation.

The lord Goring, to keep up the spirits of his party, when they asked what the general's trumpet came so often about to them, he answered, that it was for a treaty, and that the general offered 50,000*l.* to the lord Goring to permit him quietly to draw off with his army.

We had a very great seal, and sat from eight o'clock in the morning till eight o'clock in the evening, before we could hear all the motions; only we rested an hour at noon.

27. A petition from the lord mayor, aldermen, and common-council of London to both houses of parliament,

That a personal treaty may be had between his majesty and both houses of parliament in London, or some other convenient place, to which treaty our brethren of Scotland may be invited, that so, according to our allegiance and the covenant, his majesty's royal person, honour, and estate may be preserved, the power and privilege of parliament maintained, the just rights and liberties of the subject restored, religion and church-government in purity established, all differences composed, and a firm and lasting peace concluded. London petition.

The lords gave the petitioners thanks for the continuance of their good affections and inclinations to peace. Answer.

The house of commons related to them what they had done, and the committee they had appointed, in order to settlement of the peace of the kingdom, and gave them thanks for their good affections.

Additional ordinances passed for the militias of Westminster and for York.

Some of the forces in Colchester were drawn out into the orchards and closes under their works, the parliament's foot went presently into the field, beat the enemy into their guards, and made those run that kept the guard, took their hourglass, set their guard-house on fire, killed two, and brought one Cook of Greenwich away prisoner. Colchester.

The enemy quitted sir Harbottle Grimston's house, and retreated to the lord Banning's house.

The Tower regiment marched over the new bridge, and entrenched themselves about the north gate.

Colonel Whaly with some horse fired the enemy's windmills.

28. The monthly fast-day.

Letters from Colchester leaguer, that the Suffolk forces fell upon the enemy, killed two, and took twenty prisoners, whereof eight Kentish men and two London apprentices, who had chewed bullets rolled in sand in their pockets, contrary to the law of arms; that colonel Needham was slain with such a shot.

That the same day thirty of the parliament's horse fell upon two troops of the enemy, killed two and wounded many; that the enemy, suspecting a battery, sallied out in the night with a hundred horse in a full career, thinking to surprise some of the besiegers, but failing, they advanced in a swift march to the horseguards, came within the sentries, and charged pistols.

That the main guard beat them back to the hedges, which they had lined with musketeers, but little hurt was done on either side.

Intelligence came that the enemy from Pontfract had possessed themselves of Axcombe island near Trent.

Petitions. 29. A petition from the younger brothers of Trinity-house, another from the commanders, masters, and mariners of the shipping belonging to the river of Thames, and a third petition from the master, warden, and fellows of Trinity-house, all for the personal treaty with the king, were presented to the house, and a committee appointed to draw up an answer to them.

Order for a month's pay for the Lancashire forces, and for the thanks of the house to colonel Ashton their commander.

Upon information of an insurrection in Sussex, referred to the committee of Derby-house to take course for the subduing of them.

Upon letters from the general, ordered, that the committee of the army take care speedily to send down to the army provisions and other necessaries which they want.

An ordinance to empower the committee of Essex to raise money for payment of the forces in their county now raised.

Order for security of their arrears, to those officers and soldiers who came off from the army, for the service of Ireland.

316 Order for 600*l.* for victualling the fort and castle of Chester, and that the late actors in a design there be tried by martial law.

Letters from Colchester leaguer, that the enemy is debarred from all manner of provisions, that a party of the Suffolk forces from Cattaway bridge took ten troopers of the enemy plundering, and afterwards went to sir Harbottle Grimston's house, which they found miserably ruined, and all the goods taken away and torn.

30. Upon a report from the committee for the business of the personal treaty the lords agreed to these votes:

1. That the vote of January 3, 1647, forbidding any addresses to be made to or received from his majesty, should be made null. Votes.

2. That the three propositions sent into Scotland and to be presented to his majesty before a personal treaty be had, should not be insisted upon, and that his majesty be removed to some of his houses within ten miles of London: to which the lords desired the commons' concurrence.

The lords recommended to the commons the petition of the lady Capell, that she may have her eldest son again, who is one of those sent down to the general to be used in the same manner as the committee are, under restraint by the lord Goring. Petition.

The house ordered a letter to be sent to the general with the lady Capell's petition enclosed, and that the general be desired to do therein as may stand with the justice and honour of the parliament. Lady Capell.

Mr. Dowsett upon a message from the lords, was ordered to attend that house in the business of Mr. Rolfe, who was committed.

Order for the committees of Sussex and of Worcestershire to raise forces for suppressing insurrections and preserving the peace of those counties.

The ordinance passed for payment of the forces of Essex, and another for 10,000*l.* for Bristol.

Debate upon the ordinance touching religion.

Letters from Colchester leaguer, that the enemy played with their great guns, but did no hurt, by reason of the deepness of the trenches: then they fell to annoy the besiegers with small shot out of Mr. Grimston's house; but the general's great cannon shooting through and through the house, cutting off the legs and arms of many of them, they fled into the town, and set that and other houses with it on fire. Colchester.

That the enemy sallied out on the other side towards Suffolk, which the parliament's horse discovering, they lined the hedges with dragoons, and went on with a party of horse as if they had meant to charge, and then faced about as running away from the enemy, who pursued them to the place where the dragoons were, who did so gall them with shot that they retreated, leaving some slain and others desperately wounded.

That the next morning they sallied out again with three troops of horse, five hundred foot, and a drake, but the parliament's foot coming up too late to them they brought away some cattle, and killed Mr. Sandford, though their friend, the owner of them. This is an experimental argument of the misery of civil war. The barbarous common soldier will know no distinction between friends and foes; either's goods come alike to their rapine; and upon an hasty word they no more regard the blood of a friend than of an enemy: and so it was with Mr. Sandford.

A captain taken prisoner near Harwich.

Captain Brown came from the north to the general with intelligence that the enemy had quitted the isle of Axholme.

July 1648.

1. Debate upon the report, that the three bills sent into Scotland should not be insisted upon, &c., ordered to be resumed to-morrow, and all the members to attend.

Vote to approve what the lord Grey of Groby and captain Temple had done, in raising a considerable body of forces in Leicestershire, and commanding them.

Order for committees to go down into the several counties to take care for raising moneys for the forces before Colchester and in Essex.

The like ordinance passed for Sussex.

Colchester. Letters from Colchester leaguer, that those in the town are so blocked up that they cannot get provisions, that the works are near finished, and that the besiegers' perdus lie so near the enemy, that they can hear them discourse, drink healths, &c.

The general sent to offer an exchange of the lord Capell's son for sir William Masham, and two affidavits, that by the earl of Norwich's and the officers' directions their soldiers had chewed bullets, and cast in sand, delivered to them out

of their stores, which being contrary to the law of arms, the general required that the same might be forborne for the future.

Concerning the lord Capell's son, the lord Goring returned answer, that he conceived it inhuman, and that if all the committee had been offered for him he would have disdained the motion, and that he joyed to see any of his (if no other way) yet by their sufferings, to pay the duty they owe to the king and known laws. Goring.

To that concerning bullets, all the three generals denied any such command or practice, but for rough-cast slugs they were the best they could send on the sudden.

3. A long debate, whether the three bills, viz.

1. For settling the presbyterian government for three years; The three bills.

2. For recalling declarations and proclamations against the parliament;

3. For settling the militia in the parliament; shall be sent as propositions to which his majesty is to give his approbation by subscribing his hand before a treaty, and to give assurance to pass them into acts so soon as he shall come to London and sit in parliament. It was carried by vote in the affirmative.

Upon information that the king's party were listing of men in London, and some of them who were apprehended for it were rescued, the house, for the better guarding and securing themselves and the city, ordered 5000*l.* for raising a new regiment of horse, to be under the command of major-general Skippon, and declared it an acceptable service in such as would send in horse or arms for that purpose.

An ordinance passed for raising 14,000*l.* out of the estates of delinquents in Kent and Essex.

Letters from the north, that the king's party from Pontefract came to Lincoln, where, and in their march, they plundered the parliament's friends, took captain Bret, captain Fines, and Mr. Ellis, prisoners, and killed Mr. Smith, an officer of the sequestrations. Pontefract.

4. The house voted, that before a treaty be concluded, all just debts to such as have adhered to the parliament be paid or secured. Vote.

Referred to the committee of Derby-house to make Farnham-castle indefensible, and to secure Sterborough-castle, 317

Rygate, Martyn abbey, and all other places of strength in Surrey.

Colonel Lilburne. Letters from Lancashire, that colonel Lilburne with a party of six hundred horse engaged against sir Richard Tempest with a thousand horse; and after a hot dispute six hundred of the enemy's horse were taken, and three hundred prisoners, of whom many knights and gentlemen.

Letters from the navy, that sir George Aiscough came in with the parliament's ship the Lion, declaring against the revolted ships.

Pembroke. Letters from Pembroke leaguer, that a hundred and twenty in the town laid down their arms, and Poyer and Langherne told them, that if relief came not within five days they should hang them; that they have only rain-water and a little biscuit left; that Cromwell shot stones into the town with morter pieces, which killed divers.

Letters from colonel Jones, that he had received 50,000*l.* which was designed for Munster, 3392*l.* from London, six thousand suits, and of all sorts of grain six thousand five hundred seventy-one barrels; that the Scots seek to entice away his soldiers.

Colchester. Letters from Colchester leaguer, that their great guns and carriages were come to the besiegers; that many desert the enemy; that divers of their wives came out of the town, but were turned back again; that the wives of the parliament's friends were not suffered to come forth.

That when some of the town complained for want of victuals, the lord Goring told them, they must not complain till horseflesh were at 10*s.* a pound; that they have twenty pieces of ordnance, and two hundred barrels of powder, but want great shot.

London petition. 5. A petition from the common-council of London, with another from the common officers of the trained bands, praying,

1. That the militia of London and of the adjacent parts may be settled in one committee, and if any persons be added to the committee, that they may be such as have no places of profit which depend upon the war, or have shewed themselves disaffected to the ends of the covenant.

2. That the king may be brought to London with freedom,

honour, and safety, to treat with his parliament for settling a safe and well-grounded peace.

3. That the militia may have power, if need be, to raise horse for the defence of the king, parliament, and city.

Answer. The lords granted the desires of the petitioners, in confidence that the city would be careful to make good that great engagement now made for securing his majesty's person, and the parliament from tumults, mutinies, and disorders; and that they will adhere to live and die in defence of the king and parliament, according to the covenant.

The house of commons told the petitioners, that they had agreed to the joining of the militias.

A petition from eighty seamen, masters of ships, &c., offering their service for the reducing of the revolted ships: the petitioners had thanks, and the petition referred to a committee.

Haselrigge. Letters from sir Arthur Haselrigge confirming the victory obtained by colonel Lilburne, colonel Fenwick, and Mr. Sanderson against sir Richard Tempest, without the loss of one man. The list of the commanders and gentlemen of quality taken prisoners was sent up to the parliament.

A public thanksgiving ordered for this victory.

Duke of Buckingham. Intelligence came of about five hundred horse got together near Kingston for the king, the earl of Holland, the duke of Buckingham, and the lord Francis his brother, in the head of them; that the earl of Peterborough came in to them; that they summoned the country, expecting great numbers to join with them, and plundered some friends of the parliament.

The commons passed some instructions for the security of Whitehall and Lambeth-house from the danger of this party, and appointed guards on the Thames, at the ferries and watering-places, to stop all suspicious persons which might pass that way.

The committee of Derby-house made report of this business and their opinion, for subscriptions of horses to be made by the members of parliament for ten days, for defence of the parliament and city; which the house approved of, and subscribed very freely, some two, some three, and some of them four horses.

Order for those horse to be put under the command of

colonel Butler and quartermaster-general Fincher, and they to have 100*l.* apiece for a gratuity; and it was declared an acceptable service for all who shall list any horses for this service.

Earl of Holland.

This sudden and unexpected, if not rash action of the earl of Holland, and the rest with him, brought to my remembrance some discourse which his lordship had with me not long before, when he was pleased much to inveigh against some proceedings of the parliament, especially in their backwardness to a personal treaty; upon which he said, and truly, that generally people's hearts were set, and that he did believe, if a considerable party should show themselves in arms for it, that they would soon rise in a great body, and be able to bring the parliament to reason.

I differed from him, and told him, that the parliament's army was in a framed body of old soldiers, prosperous in their actions, and well provided of all things necessary; and that it would be a rash and desperate attempt for any to imagine to make a head against them, and to raise a new body:

That there was no trust to be given to people's minds or promises in such designs, who would not stir, except they saw the tide turning, and some precedent success, which could not be in this case; but those who should adventure upon such a business would certainly be lost in it.

He argued earnestly to the contrary, and how honourable, just, and pious a thing it would be, to rescue our country from the misery and slavery they were now under, especially if it were done by those who in the beginning had perhaps too much hand in the bringing of those straits upon us.

I replied, that it would be worse in those men than in any others, for that it would be looked upon in them as breach of faith and treachery to those who had before intrusted them.

After a long discourse and debate on this point, wherein I expressed myself with more than ordinary dislike and earnestness against any such action, his lordship parted from me. Some of his intimate friends afterwards informed me from the earl himself, that his coming to me at that time was on purpose to sound me, and to try whether I would be persuaded to join with him and the rest of his complices in this
318 design: that if he had found me approving of it, or inclinable to

it, that then he would in plain terms have broke the business to me, and have desired my counsel and assistance in it; but finding me averse to any such thing, in our general discourses, and my quick expressions against those designs, he did then forbear to acquaint me with his further intentions.

Order for forces for Northamptonshire.

Letters from Colchester leaguer of the great flood there, which hinders any from escaping, and that they are in great want of victuals in the town.

A porter in soldier's habit from London got into Colchester, and brought them intelligence that a great force was coming from London to their relief.

6. Major-general Browne continued one of the sheriffs of London.

Divers well-affected persons having raised forces in several counties for the defence thereof without authority of parliament, the house declared the same an acceptable service.

To the end the kingdom may be satisfied of the endeavours of the parliament to preserve the brotherly love and union with Scotland, ordered, that all the transactions, papers, and letters between the English commissioners and the parliament of Scotland shall be printed.

Ordered, that the horse listed under colonel Butler and quartermaster-general Fincher be quartered in the Mews.

Letters from Colchester leaguer, that July the fifth, about eight in the morning, the enemy sallied out with a thousand horse and three hundred foot, fell suddenly upon the parliament's guards, and surprised some of them, being countrymen; that the rest retreated from the main guard. Colchester.

That colonel Whaley perceiving the enemy's advantage, got with his horse between them and home, whilst the Tower regiment advanced towards the front, and routed both horse and foot together, and took about a hundred prisoners, most of them miserably wounded, the parliament's soldiers being the more fierce because of the poisoned bullets. That about twenty of the enemy were slain on the place, most of them gentlemen, as appeared by their clothes and their white skins.

That lieutenant-colonel Weston, son to sir Richard Weston, and two captains were taken prisoners, and the parliament's forces regained two drakes from the enemy; that lieutenant- Poisoned bullets.

colonel Shambrooke was shot in the body, and the bullet, since taken out, appeared to be poisoned, boiled in copperas, which much enraged the parliament's soldiers.

That captain Moody, who commanded a troop of the Suffolk horse, engaging boldly, was taken prisoner. One soldier had his leg shot off with a great bullet, and some were wounded.

7. Debate upon the city's answer to the parliament's proposals, what security the city would give for the security of his majesty's person and of the parliament during their treaty at London, if it should be agreed upon.

The city acquainted the house with a letter they received last night from the earl of Holland, duke of Bucks, and earl of Peterborough, declaring their intentions to join with the forces of Sussex, Surrey, and Middlesex, to release and preserve his majesty's person, to bring him to his parliament, to settle peace in the kingdom, and to preserve the known laws, inviting the city to join with them herein, at least not to be active against them.

Vote. Upon debate of this letter, the house voted that the earl of Holland, duke of Bucks, and earl of Peterborough had levied war against the parliament and kingdom, and in so doing were traitors, and ought to be proceeded against as traitors, and that the estates of those lords and of all that join with them be sequestered.

An ordinance passed for 1500*l.* a month for forces in Lincolnshire.

Colchester. Letters from Colchester leaguer of the late victory by the parliament's forces there, that the lord Goring and lord Capell carry things very high, but sir Charles Lucas more moderate; that butter and cheese was at 5*s.* a pound, and that the soldiers seized upon the meal and bread, and began to be much distasted by the townsmen, especially the women, who began to be in want of victuals for themselves and children.

Three bills. 8. A conference of both houses about not insisting upon the three bills to be sent to his majesty.

Order for money for major-general Browne.

A petition of old officers and soldiers of the north committed.

Pontefract. Letters from colonel Rossiter, that he met with the Ponte-

fract forces upon their return, after their plundering voyage, and engaged them at a place called Willoughby-field, routed their whole party, consisting of about a thousand horse, took both horse and their riders, the commander-in-chief, and all his officers, all their bag and baggage; the rest routed, but not many slain; colonel Rossiter wounded in the thigh.

The house gave 100*l.* to captain Norwood, who brought the letters from colonel Rossiter.

Letters that the earl of Holland and his party marched from Darking with their whole force to possess Rygate, but their design was disappointed by major Gibbons and two troops of colonel Riche's horse entering the town before. Earl of Holland.

That upon this, the earl of Holland and his party marched the next way to Kingston, and were pursued by the parliament's horse, who took some men and horse near Nonsuch.

That in the way betwixt Nonsuch and Kingston the earl of Holland drew up and faced sir Michael Levesey and Gibbons, and some parties on both sides skirmished.

That the earl of Holland sent his foot before to Kingston, to make good his retreat thither; that the forlorns on both sides fought gallantly; that the earl was followed violently by Gibbons and a cornet of colonel Riche's regiment, with their divisions, to Kingston, and routed, but the foot sent before made good their turnpike, and the parliament's forces did not think fit to enter the town with them.

That the parliament's forces intending a further attempt upon the earl's men, but they not answering the alarm, the horseguard advanced into the town, and found it quit of the enemy, who left near a hundred horse in the town, with their carriages; and themselves fled over the bridge to Harrow on the Hill, whither the parliament's forces were in pursuit of them.

That in this service were about twenty slain; the lord Francis dangerously wounded, if not dead; the earl of Holland said to be shot in the shoulder; colonel Howard and some others of note hurt; about a hundred prisoners and two hundred horse taken; the earl with about three hundred gone towards St. Alban's, pursued by the parliament's forces, with 319
whom colonel Scroope is coming to join.

Letters from Colchester leaguer, that the enemy shot much from the top of a church, till the general with his cannon

beat down part of the church, and then they ceased; that the officers tell their men, and scatter papers among the parliament soldiers, that London appeared for them; that a thousand horse were coming to raise the siege; that the parliament was broken, and many of the members cut in pieces.

That in some prisoners' pockets they found ten slugs done with sand, and a trumpet was sent to the lord Goring to let him know what his soldiers must expect. That according to a letter from the house of lords the general returned the lord Capel's son. That colonel Scroop is gone with sir Michael Levesey against the earl of Holland and his party.

9. Some prisoners being brought to town from the army, divers apprentices got together and endeavoured by a tumult to rescue them, but it was prevented.

Three bills. 10. At a conference the lords delivered reasons to the commons why the three propositions should not be insisted on before a treaty with his majesty:

1. That there may be no delay, a speedy personal treaty being so much desired and petitioned for.

2. Because it is the desire of the parliament of Scotland.

3. The agreement upon the treaty will be the more authentic.

4. It is probable, having no army, the king will condescend to that which at Uxbridge and Oxford he refused.

5. It is not the way of treaties to confirm any before all is agreed, especially what is of greatest concernment, and will be chiefly insisted upon.

Vote for Mr. Ashburnham to be offered in exchange for sir William Masham.

A petition in behalf of Mr. Rolfe.

Letters from Wales of a design to betray Denbigh-castle prevented.

An ordinance passed for a troop of horse to be raised in Surrey, another for Hampshire, and a third for Caernarvon.

The vindication of major-general Skippon against a scandalous libel, ordered to be posted up in London.

An ordinance for the adjacent parts to be added to the militia of London, and a petition against it referred to a committee.

Colonel Rossiter. Letters of the victory gained by colonel Rossiter, before mentioned; a list of the prisoners, officers, and gentlemen of quality; about five hundred prisoners taken; eight carriages

with arms and ammunition, colonel Pocklington and colonel Cholmley slain, with many officers and soldiers to the number of about two hundred, all their bag and baggage taken.

Letters from major-general Lambert's quarters, that his men took near to Carlisle a hundred prisoners horse and foot, and forty horse; that this alarm in the night caused all the enemy's forces thereabouts to fly into Carlisle, saying they would not fight till the Scots were come in to join with them.

11. A letter from colonel Hammond, desiring that Osborne's charge against Mr. Rolfe may come to a speedy hearing, it reflecting so highly upon the army and upon him, and being an horrid scandal, whereof he clears his own innocency and the officers of the army and Mr. Rolfe; and if the houses have any suspicion of him, if they please to send down another to be in his place he shall willingly resign.

An ordinance passed both houses for continuing the excise two years longer.

Debate of an ordinance of indemnity for the revolted seamen that shall come in by a day, the rest to be out of mercy, and instructions for encouragement of seamen referred to a committee.

An ordinance passed both houses for money for the Lincolnshire forces. Another transmitted to the lords to pay off poor soldiers and widows.

A design of the malignants in Worcester prevented, and Mr. Harcourt and others apprehended for it.

Order for the garrisoning Worcester by colonel Dingly and Hartlebury.

Order for accommodations for Mr. Rolfe, and for a letter of thanks to colonel Hammond for his good services.

The committee of both houses and the committee of the common-council of London had several meetings and treaties about their engagement for the safety of the king and parliament during the intended treaty at London.

The common-council explained their meaning upon several particulars of their former petitions:

1. They will engage that the king and parliament may meet and treat, free from force and violence: this they mean by the word *safely*. London explanations.

2. By the word *defend*, they mean that during the treaty they will

defend the king and parliament (so much as in them lies) free from all force and violence.

3. That if the treaty be in London, the city will for the present defray the charge of the guards during the treaty, and afterward refer themselves to the king and parliament for the satisfaction thereof.

4. That in case the intended treaty shall be in London, and his majesty and the parliament shall not agree, then the city conceive themselves bound to submit to the wisdom of both houses, touching the disposal of the king's person.

5. That the common-council and officers military do declare, that they are ready, according to their engagement, as much as in them lies, by the trained bands to guard and defend the king and parliament against all force and violence.

And they desire to have the militias united, and to be enabled to raise forces, and that during the treaty no forces may come within thirty miles of London without their consents.

That those who shall make any tumult or disturbance during the treaty may be punished with death; that none who have borne arms against the parliament, or contributed thereunto, shall during the treaty come within thirty miles of London without leave of parliament.

That the treaty may be with all expedition, for preventing of further inconveniencies, and that if the treaty be in London, the common-council will endeavour to find out a convenient place for it, and accommodations.

They also ordered that the common-councilmen within their several precincts should endeavour to get the subscriptions of the citizens to this engagement, which was done accordingly.

320 Colchester. Letters from Colchester leaguer, that the besieged are in great want of victuals and horse-meat, that their guard, who were to secure those that came out to get horse-meat, were beaten, divers of them killed, and some taken.

Earl of Holland. Letters from St. Need's, that colonel Scroop with his party from Colchester leaguer (sent after the earl of Holland and his party) came to Hertford, and with skilful guides from thence were brought to St. Need's before the lords could shift away, yet had got into some bodies with their party in the town.

That the parliament's forlorn being entered, charged and routed the earl's party before the body came up, and when

they came the earl's party fled several ways, yet many of them fell, as colonel Dalbier, who was slain in the inn; sir Kenelm Digby's son, another colonel, and divers others were slain.

The earl of Holland craved quarter in his chamber, and had it: with him were taken prisoners sir Gilbert Gerrard, colonel Skeimister, major Holland, major Stepkin, lieutenant-colonel Goodwin, and a hundred prisoners besides: that the parliament's soldiers had above a hundred gallant horses, store of gold and silver and rich clothes: they had but two men slain, and colonel Scroop's captain-lieutenant wounded: they were so tired with their long march that they could not pursue the enemy.

That the duke of Bucks was fled with about forty horse towards Lincolnshire.

Intelligence that the lord Andover going to the prince was taken and put into Dover-castle.

12. A declaration transmitted to the lords giving twenty days to the revolted ships to come in, or else to be taken as traitors, and their goods to be confiscated, and this to be sent to them by the lord admiral.

Letters that after the defeat given to Langdale's forces by colonel Lilburne, he, having intelligence that nine thousand Scots were entering England to join with Langdale, drew towards Lambert to join with him. Langdale.

That duke Hamilton sent a compliment to major-general Lambert, that he was upon advance with an army towards England, for that the parliament of England had given no satisfaction to the desires of the parliament of Scotland, and could not avoid the northern parts of England. Hamilton.

He assures major-general Lambert, that he intends no hurt to him or to the kingdom, which his future carriage would demonstrate. Lambert.

The major-general returned answer, that as to not-satisfaction with this parliament, he had nothing to say; but as to his coming in hostile way into England, he would oppose him to the utmost, and fight him and his army as traitors and enemies to the kingdom.

That this great breach of the covenant and large treaty between the two nations he doubted not but would be revenged upon them to their utter ruin; and was assured of

assistance herein by all true Englishmen and right covenanters of the two nations.

Letters from France that prince Charles was sailed from Calais to Holland.

13. Order to prevent tumults, that no more prisoners of quality shall be brought up to London, but be disposed of to other places of strength. The earl of Holland was sent prisoner to Warwick-castle.

Order for a thousand foot and five hundred horse to be raised and maintained in Essex out of the estates of those who engaged with the lord Goring.

The house approved articles made by colonel Rich upon the surrender of some castles in Kent, and that a letter of thanks be sent to him, and ammunition for his regiment.

Order that the estates of the duke of Bucks, of the lord Francis's brother, and sir Francis Ratcliff in the north, shall go towards the maintenance of the forces of major-general Lambert.

Hamilton. 14. Letters from major-general Lambert, that duke Hamilton was advanced into this kingdom with an army of ten thousand men, with whom sir Marmaduke Langdale is joined, and that their army is about Carlisle.

The house declared that the forces now come out of Scotland into England in an hostile manner, being without the authority of the parliament of England, are enemies to England, and that all such English or Irish that shall adhere to or assist them are rebels and traitors to England, and shall be proceeded against, and their estates confiscated as traitors and rebels.

Order for 20,000*l.* for the forces in the north, and that all the revenues of the king, queen, and prince in the north shall be paid by the receiver of Yorkshire to the commander-in-chief of the northern forces for their maintenance, and referred to the committee of Derby-house to consider of sending more forces down to major-general Lambert.

Here you may take notice of a strange turn in the affairs of this parliament, to which all human affairs are subject, but in these times much more than ordinary.

You have read the great endeavours formerly to bring them in as friends to assist the parliament, and remember the story of their actions and return home again; now, the

other faction in Scotland prevailing, the Scots are turned enemies to England, and invade them with a considerable army; before, they joined with the parliament against the king, now they join with the king's forces against the parliament.

How like the sea the people of the world are, ebbing or flowing, always in an uncertain motion, and constant in nothing but inconstancy!

Debate upon the citizens' offer of security to the king and both houses of parliament during the treaty, if it be at London.

15. Letters from lieutenant-general Cromwell to the general and to the committee of Derby-house, that the eleventh of July last the town and castle of Pembroke were surrendered to him upon articles. Pembroke-castle surrendered.

That Langherne, Poyer, and four more officers surrendered to the mercy of the parliament; sir Charles Kemish, sir Henry Stradling, and about ten more officers and gentlemen, were to depart the kingdom within six weeks, and not to return in two years, and all the rest to have liberty to go to their homes, and not to be plundered.

The sick and wounded men to be taken care of, the townsmen not to be plundered, but to enjoy their liberty as heretofore.

The town, castle, arms, ammunition and provisions to be delivered up to lieutenant-general Cromwell for the use of the parliament; that Cromwell prepared to advance towards Lambert to join with him against the Scots.

The house declared to adhere to their former vote, that the three propositions shall be signed by his majesty before a personal treaty be had with him, and a committee was appointed to draw reasons to satisfy the lords concerning the same. The three bills. 321

Letters from the Isle of Wight, that the king declared to divers of his party, and wished them to declare it to others, that the governor, colonel Hammond, was a man of honour and trust, and had carried himself civilly and respectfully to his majesty. Isle of Wight.

That Osborne had unjustly and ungratefully aspersed the governor, and as touching the preservation of his person from poison, or any such horrid design, the king said he was so

confident of the honesty and faithfulness of the governor, that he thought himself as safe in his hands as if he were in the custody of his own son.

Colchester. Letters from Colchester leaguer, that the enemy were all drawn up into the high street, but were beaten in with loss upon their sally forth; that captain Jailler got out of the town and came to the general, and told him that many of the soldiers in the town would come to his excellency if they knew his conditions; that the general had made a breach in the wall and beat the enemy from their guards; that colonel Whaley with some of the Suffolk foot fell upon a church which the enemy had fortified, who presently cried for quarter, and that there were taken about eighty prisoners, most Kentish men.

Intelligence that the duke of Bucks' party was wholly routed near Oundleby; captain Butler and the duke, with sir Thomas Bludder and about a hundred more, got away privately towards London.

From Colchester leaguer, that the general had taken sir John Lucas's house and the gate-house, which was hotly disputed, till a hand grenado was by Cromwell's men thrown among them, which lighting upon their magazine of powder, about forty of them were blown up, about sixty taken prisoners, the rest of a hundred and forty were destroyed and killed.

This so enraged them, that being confined within the walls they fired all the suburbs round about, a very sad spectacle, the houses for above a mile together being all of a flame, one of the companions of war.

The three propositions. 17. Voted, that after the three propositions signed, the king be desired to name three places within ten miles of Westminster, of which the parliament to choose one, where the treaty with his majesty shall be had.

The commons confirmed what was done by the governor of Newcastle in laying the tax on coals and salt there.

They gave 20*l.* to the messenger of the surrender of Pembroke-castle.

Voted a pardon to divers that were in the insurrection in Kent, and to all that came in upon the indemnity offered, and to such as can make it appear that they were forced.

Personal treaty. A petition from the Tower-hamlets, and from Southwark,

&c., that the personal treaty may be hastened, and those militias united to the city.

They had thanks for their good affections, and were told that the house had already voted the uniting of the militias.

Letters from Colchester leaguer, that the enemy attempted to escape by a ford, but the parliament scouts firing at them they retreated in again. Colchester.

That the general, to prevent shedding of more blood and the ruin of the town, sent another summons to the earl of Norwich, the lord Capel, and sir Charles Lucas, to surrender the town to the service of the parliament; to which they returned a scornful answer, that if any more letters of that kind were sent to them, they would hang up the messenger.

That presently after the return of the general's trumpet the enemy set fire on another street of the town.

That before any attempt upon the town, the general intends to send for all women and children to come out.

Letters from the north, that duke Hamilton was come in person into Carlisle, where he was received with shooting of ordnance and ringing of bells; that he marched himself in the van of his army, his trumpets in rich liveries, and his lifeguard with standards and equipage princelike, with his carriages, but little artillery, that being expected by them at Carlisle, and sir Marmaduke Langdale with three thousand English to join with the duke. Hamilton.

The duke sent a letter to major-general Lambert, to the effect before mentioned; and that he was commanded by the committee of the estates of Scotland to prosecute their desires here against the sectaries; to liberate the king from his base imprisonment, and the two houses of parliament from constraint; and for the disbanding of all the armies, whereby the subject may be free from taxes and quarter, and for settling peace and a firm union.

That being the intentions and desires of the kingdom of Scotland, he expects Lambert will not oppose their just, pious, and loyal undertakings, but rather join in prosecution of these ends, and desires his present and positive answer.

To this letter Lambert returned answer, that as to the transactions of the parliament, he could give no answer, seeing they are laid open to the view of the world, and known to his excellency; that as to the English forces being drawn Lambert.

upon the borders of Scotland, he can the better give answer to that, having the conduct of those forces by commission from the lord general Fairfax, and his positive command, to be most tender in acting any thing that might give any seeming occasion of offence to our brethren of Scotland, which he hath punctually observed.

That he believes it never entered into the thoughts of the parliament or his excellency the lord general Fairfax to act any thing prejudicial to the kingdom of Scotland.

That the occasion of their drawing forces near the borders is notoriously known to be for suppressing of sir Marmaduke Langdale and his adherents, many of them papists and grand delinquents, opposers to the ends of the covenant, and who are risen in rebellion against the parliament.

That he wonders at the suggestions of the parliament of Scotland, that the parliament of England is under force, when all Englishmen (except sir Marmaduke Langdale and his adherents) do act only by the immediate authority of the parliament, who sit and command all freely.

Then he vindicates the parliament's proceedings for peace, and to free the people from taxes and quarter; he concludes that the resolutions of the committee of estates are wholly grounded upon mistakes, and desires the duke to consider if they be not contrary to the covenant.

He saith that he must, (in prosecution of the trust reposed in him,) to the utmost of his power, oppose all forces raised or brought into this kingdom, except those by authority of
322 the parliament of England; in which he hopes the duke will not oppose, but rather assist him, if the parliament of England shall desire it.

18. A declaration transmitted to the lords, of the victories God had given to the parliament's forces within a few late months.

Scots. Letters from major-general Lambert, that the Scots army was joined with sir Marmaduke Langdale, that they were in all about twelve thousand horse and foot; he desired supplies of money and men, and it was referred to the committee of Derby-house to take care of it.

London petition. A petition from the common-council of London to the house of commons, that no tax or imposition may be laid upon Newcastle coals, and that the house would consider of

disposing the profits of all places and employments enjoyed contrary to the self-denying ordinance, and the votes of parliament Junii 10, 1647, and of customers, excise-men, committee-men, &c., for the public occasions of the kingdom.

Another petition was to both houses for adding fifteen persons named by the common-council to be of the militia of London.

Another petition, not from the common-council, but with ten thousand hands to it, that the militias may continue distinct, that the parliament would keep the power in their own hands, and call what forces they please to their assistance.

These and other petitions from Southwark, Westminster, &c., for joining the militias together, and some against it, were referred to a committee to hear all parties and their claims, and report their opinions to the house.

A petition from the watermen upon the Thames for a personal treaty and settlement of peace: the petitioners had thanks for making their addresses by a few of their company, and were told that they were witnesses of the parliament's endeavours for peace, who had now the same things under consideration for which they petitioned, and would do therein what they judged best for the kingdom.

Order for a day of thanksgiving for the great victories obtained by the parliament's forces.

Letters from Colchester leaguer, that those within the town made several attempts to escape away, but were beaten back again, some of them killed and divers wounded; that they refused another summons of the general to surrender the town. Colchester.

19. Intercepted letters from one in Carlisle, that they expect the prince of Wales there; that he sent a declaration to sir Marmaduke Langdale to publish to the army and country, that the king his father being kept prisoner by the parliament, he is resolved to use all possible means to free him and reenthrone him, and desires all men to join with him therein. Declaration.

And he engages and desires Langdale and his friends to engage in the prince's name, that all who have formerly acted for the parliament, and shall now come in and join with him, shall not only have their pardon and indemnity, but all their arrears satisfied.

20. Letters from the committee of Surrey of a late insur- Insurrection.

rection at Horsham, but suppressed; and that Mr. Middleton, a member of the house of commons, was a party in it, and imprisoned by that committee; which the house approved, and sent for Mr. Middleton up to be examined.

Debate upon the Scots declaration of the grounds of their army's coming into England.

The lords desired the concurrence of the commons to indemnify the duke of Buckingham for his late engagement, if he came in within fourteen days.

Votes. Scots letters intercepted by major-general Lambert communicated to the lords, and a vote passed, that all who have invited the Scots army into England or shall assist them are traitors, and recalled their commissioners from Scotland, they having proclaimed war against England.

21. A vote that all who have served the parliament, and afterwards revolted to the enemy, shall be tried for their lives (being prisoners) by a council of war; and that the general do give commissions to persons in the several counties for trial of such revolted persons by martial law.

Captain Yarrington informed the house of a design of sir Henry Lingen and other delinquents to surprise Doily-castle, Hereford, and other places; which the captain by his endeavours prevented; and the house ordered him 500*l.* out of Lingen's estate and the rest.

Instructions transmitted to the lords for Mr. Bence and Mr. Strickland to go to the lord admiral and to advise him, and be assistant to him upon all occasions.

22. Upon a petition from the lord mayor, aldermen, and common-council of London, concerning the listing of soldiers under major-general Skippon, the house insisted upon their former ordinances touching this business, and approved what was done therein.

Referred to the militia of the out-parts and of the several counties, to receive all complaints touching miscarriages in listing of soldiers without authority of parliament.

Colchester. Letters from Colchester leaguer, that those in the town have begun to eat horseflesh, and have provided store of pitch and tar to fire and throw upon the besiegers, and scythes to cut them off, in case they attempt a storm.

24. Power given to the lord admiral to grant indemnity to such revolted mariners as shall come in.

An ordinance passed the commons for 40,000*l.* for the northern forces out of the excise, and another for the revenues of the king, queen, and prince in those parts for those forces, and an order for a train of artillery for major-general Lambert's army.

Captain Clerk's action approved in hindering the transporting of some Scots out of Ireland into England, and ordered that those Scots who shall refuse to be so transported, and shall not desert the parliament's service, shall be equally provided for with the rest of the English soldiers of that kingdom.

Debate upon the large Catechism.

Hamilton's army.

Letters from the north, that upon the advance of the enemy with their whole body, the parliament's forces, by directions from their council of war, did retreat; being fewer in number, and expecting additional forces, and being not forward to engage before they understood the pleasure of the parliament concerning the Scots army coming into England.

That the enemy followed them, but colonel Harrison gave some check to them, and was wounded, and captain Cromwell slain; that the enemy attempted to enter Appleby, where the parliament's foot were, who repulsed them, and colonel Hatfield charged a great body of the enemy and forced them to retreat; that about forty of them were slain, and not above three or four of the parliament's forces. 323

Reasons for the three propositions.

25. At a conference the commons gave reasons to the lords why the three propositions should be sent to the king to pass before the treaty.

1. Because the disaffected party in and near London, where the treaty is likely to be, is such, that if the king grant not the militia before he comes, there will be no safety, nor likelihood of the treaty to proceed; for many will endeavour to bring in the king without any agreement, and to the destruction of the parliament.

2. If the presbyterian government be not settled, all things in the church will be in great confusion, and the ministers great sufferers, and in high distaste with the parliament.

3. If the declarations be not recalled, the parliament is not in a capacity to treat, having been declared rebels and traitors, and no parliament but a pretended one, which was never done by any of the king's predecessors.

Lords' answer.

The lords answered,

1. That they could not imagine, nor was it probable, that the parts about London who had petitioned for a treaty would put it on for the disadvantage of the parliament.

2. They did not apprehend any prejudice to the parliament's party during the treaty.

3. His majesty had declared he would consent to all together, and not to any before all was agreed; and that in case there were no agreement, they were all in state as before, and that these particulars would require debate.

Commons' reply.

To these the commons replied:

That his majesty was not ignorant of the full demand of those particulars, having been often presented to him; and to the two first he had declared a willingness; and was not obliged to pass them as bills, unless all other things were agreed upon; and if no agreement, he being at liberty, a new war was like to ensue.

That there was no doubt but those about London who had petitioned for a treaty would put it on to the disadvantage of the parliament, being such who have not only petitioned the reestablishment of his majesty without conditions, but have taken up arms, and were now in arms, to cudgel the parliament (as those of Colchester said) into a treaty.

That if these three propositions be not passed before the treaty, (which is supposed will be in or near London,) nothing will be determined how his majesty shall be, who shall be with him, or how the disaffected to the parliament shall be ordered; and things not settled by law may be revived, episcopacy may be set on foot again, ministers put out, ordinances for money be denied, and his majesty and the parliament be in war again as formerly.

Intercepted letters from the Scots referred to a committee, to find out the key of the characters, with power to send for and secure persons concerned.

Lambert.

Letters from major-general Lambert of his retreat, and referred to the committee of Derby-house to command forces from Gloucester or any other garrisons to join with Lambert in the north.

Order for the ships at Munster to join with captain Clerk to hinder the transport of Scots out of Ireland into England.

Order for collecting the arrears of the assessments in the city and counties.

Power given to the lord admiral to dismiss such ships as he shall find not fit for the parliament's service.

Order for addition to the forces at Southampton.

Several ordinances passed both houses for removing obstructions in sale of bishops' lands, and for the militia in Dorset and Huntingtonshires.

Orders for money for Hurst-castle and for Carisbrook-castle, and for 2000*l.* out of the estates of the duke of Bucks and earl of Holland, for pay of a troop of horse in the Isle of Wight: and for 500*l.* for another garrison not named.

26. The monthly fast-day.

Sir John Owen was sent to Windsor-castle upon a charge of high treason and murder against him, for the business of North Wales.

Letters from Colchester leaguer, that an exchange was offered of Mr. Ashburnham for sir William Masham. Colchester.

That the lord general had caused the pipes of water to the town to be cut off, whereby the besieged had no water but what was muddy, or annoyed with dead horses; and the besiegers got a great store of lead. That the common soldiers in the town had lived upon horseflesh five days together, and at a court of guard they roasted a whole horse, at which the foot were merry, but the troopers discontented.

That the general sent in papers upon the heads of arrows into the town, by that means dispersed among the common soldiers in the town, that if they would deliver up the lord Goring, lord Louborough, lord Capel, and some others of their chief men, that the rest should have passes and quarter, and go to their homes.

The prince and duke of York came to Yarmouth with nineteen ships, in which were supposed to be two thousand men; some of them landing near the town were set upon by a party of the parliament's horse, who took seven of them prisoners; but a party of townsmen issuing out rescued the prisoners, and the rest of the prince's men got into the town.

The general sent colonel Scroop with eight troops of horse and dragoons towards Yarmouth, and a thousand of the Norfolk foot were ordered to join with him, to hinder the landing of the prince and his forces there.

Letters from major-general Lambert, that the Scots and Lambert.

his forces are near one another, and have had several skirmishes, but few lost on either side; that the Yorkshire horse and a thousand of lieutenant-general Cromwell's foot are joined with him.

27. Both houses made the earl of Pembroke constable of Windsor-castle and keeper of the great park and forest. And his lordship, a little time after, made me his lieutenant of the castle and forest. This caused me to look into the nature of that place and office.

Sergeant Glanville made his composition, and was released from imprisonment, in which I did him some service.

I was informed of the favour of the house to me in my absence in the country, that they being moved to make the earl of Suffolk steward of Greenwich, they refused to do it unless I should consent to it, I being in that place before.

Order for 40,000*l.* for furnishing the stores of the kingdom, and for 8000*l.* for the fort of Tilbury, and colonel Willoughby's accounts for it to be stated.

Lord Willoughby. Letters from the lord Willoughby, excusing to his friends his going out of England without their advice.

324 He was in the beginning of the troubles very hearty and strong for the parliament, and manifested great personal courage, honour, and military as well as civil abilities, as appears by his actions and letters whilst he was in the service of the parliament. In whose favour and esteem he was so high, that they voted him to be general of the horse under the earl of Essex, and afterwards to be an earl. But having taken a disgust at the parliament's declining of a personal treaty with the king, and being jealous that monarchy, and consequently degrees and titles of honour, were in danger to be wholly abolished, he was too forward in countenancing and assisting the late tumults in the city, when the members of parliament were driven away from Westminster to the army. Upon the return of the members, he was with other lords impeached of high treason for that action; and rather than appear and stand to a trial for it, he left his country, and revolted to the king, and was now with the prince in his navy, for which the commons voted his estate to be secured.

Three propositions. 28. After many hours' debate in the house of commons, it was carried upon the question, not to adhere to their first vote that the king should sign the three propositions before

the treaty. And it was after that resolved upon the question, that his majesty in person should be treated with by commissioners of both houses of parliament in the Isle of Wight, upon the whole matter of the propositions at Hampton-court for settling the peace of this kingdom. Isle of Wight.

Upon a letter from lieutenant-general Cromwell, advanced northwards with his forces as far as Gloucester, the house ordered three thousand pair of shoes to be provided for his foot, to be ready for them as they should march through Northamptonshire.

Letters from Colchester leaguer, that two expresses from Yarmouth came to the general, one from the town, showing how much they were laboured by the prince for his admittance into the town, which they modestly excused; and that the prince put to sea again towards Harwich or the Downs.

The other express was from the forces in Loving-land, under major Jarmy, informing how confidently the ships attempted to land a trumpeter to summon Yarmouth. That major Jarmy took some of those who came with the trumpeter, whose examinations declared, that aboard the admiral was the prince, prince Rupert, the lord Willoughby, Willmot, Hopton, Culpepper, and Gerard, sir Henry Palmer, and many more persons of quality. Yarmouth.

That they resolved by a council of war to sink ships in the harbour, because they had not admittance in the town, but did not put their resolution into execution. That major Jarmy was put to great straits to secure both sides of the town, and being denied the ferry-boat, or any other boat, was forced to swim over a troop of horse.

That captain Johnson endeavoured to raise a tumult, and make head against the parliament, the multitude throwing up their caps, and crying, *For prince Charles and captain Johnson!* but the bailiffs and other magistrates did appease the tumult, and a present of provisions was sent aboard the prince.

That the heads of a declaration were taken from some that came from aboard the prince, to be published in his name, to this effect, showing the grounds and reasons of his highness appearing in the fleet upon the coast to be, The prince's declaration.

1. The establishing of religion according to the agreement of his majesty with the Scots commissioners, 26 December last.

2. The mutual performance of that agreement and pursuance of all concessions therein on his majesty's part.

3. The restoring of his majesty to his liberty and just rights, in order to a personal treaty with his majesty with honour, freedom, and safety.

4. The maintenance of the freedom and just privileges of parliament.

5. The defence of the liberty and property of the subject against all violence and oppression, and therein the abolition of excise, contribution, free quarter, and other illegal taxes.

6. The obtaining an act of oblivion and indemnity.

7. The disbanding of all armies, and settling a well-grounded and happy peace.

8. For the defence of his majesty's just rights in the narrow seas, the protection and securing the trade of his majesty's subjects, and the support of his navy, and all the officers and mariners of the same.

The lords Willoughby, Hopton, and Culpeper, together with his highness's secretary, or any two of them, are appointed to digest these heads into a declaration, and to present it to his highness in council.

CHARLES P.

London petition. A petition from the lord mayor, aldermen, and common-council of London, expressing how much the city was unsatisfied and jealous of the listing of horse and foot under major-general Skippon, and praying that no more may be listed, unless by him and the militia of London, and that those already listed under him may be disbanded.

Answer. The house ordered a committee to confer with the common-council about this matter, and the grounds and reasons of this jealousy to be reported to the house: the lords gave great satisfaction to the petitioners, adding in their answer, that they would live and die with the petitioners.

Letters from Lambert, with intelligence that some additional forces were coming to the Scots, and desiring more forces to be hastened to him: the house sent the letters to lieutenant-general Cromwell with orders for him to expedite his march northwards.

News that Scarborough-castle was revolted, and that the prince was in the Downs, and had not yet landed any men; and that one of the prince's frigates was taken near Margate

by some of sir Michael Livesey's troops, with the assistance of a boat and two seamen.

31. Votes for pay of arrears to the northern officers disbanded, upon discovery of concealed money due to the state.

An ordinance committed for the better regulating of the estates of papists and delinquents. Petition.

Upon a petition from the out-parts not to be joined with the militia of London, the house thanked them for their constant affections and good service, and referred them to attend the committee in this business.

Referred to the same committee to consider of the great abuses, mentioned in their petition, for joining of the militias.

An ordinance passed the commons for money for arms and ammunition.

Another, for a troop of horse to be raised for the Isle of Ely, and for 70*l.* a week to be raised in that island to maintain the troop. 325

The letters and commission taken in captain Green's frigate reported to the house, and ordered to be communicated to the common-council of London, were to this effect:

Letters from Dublin, of a difference between Preston and Owen Roe; that they fought, and Preston killed five hundred of Roe's men, and lost a hundred of his own men.

That the lord of Ormond was expected at Cork, upon whose coming thither was intended a general revolt in that kingdom; that a combination of the lord Grandison, sir John Giffard, colonel Willoughby, and divers others of quality, to surprise Dublin city and castle, was detected, and some of the plotters imprisoned.

The prince's commission to captain Green was thus:

Charles prince of Great Britain, duke of Cornwall and Albany, highest captain-general under his majesty of all forces both by sea and land within the kingdom of England, dominion of Wales, and town of Berwick, &c. Commission.

He constitutes Green captain and chief commander of a ship, and gives him power to do or cause to be done to the rebels all possible damage and hostility in their shipping, commerce, and navigation; and to take and apprehend, sink and fire, or otherwise to impair and destroy their ships, vessels, men, and goods, and all things belonging to them, or any that assist them, &c. Given at St. Germain en lay the 6th of June, 1648.

Letters. Letters to sir Alexander Gibson in Scotland from one in London to this effect:

That in London they are generally right, only Skippon makes some disturbance by listing of horse and foot, but that more are listed for the king, and a petition framing in the city, and the lords have done something in it to encourage the king's friends.

I shall refer you to T. Hamilton for the business in the west, for that in the north is ours already. And colonel Matthew Boynton shall be sainted. Two hundred and ninety-one is not yet ready to be despatched for Colchester, which can hold out yet a month. I hope you had mine of the unfortunate success of H., the earl of Holland, &c.

Letters from Newcastle of about four hundred Scots unarmed come for supplies to duke Hamilton; that the cry is very great of the people of Berwick, Cumberland, and Westmorland, being turned out of all by the Scots, who with wives and children take possession: the English choose rather to wander than endure such oppressions.

Letters from Lambert's quarters, that about thirty troops of general Cromwell's horse were joined with Lambert; that they had some bickerings with the Scots scouts, and beat them to their guards; that the English army is much increased by Nottingham, Leicester, and Derby forces.

August 1648.

1. Order to remove the governor of Tatershal-castle.

An ordinance transmitted to the lords, for levying of forces in the county of Middlesex.

London. Report of the conference with the common-council, that they were very sensible of the high favours in the house's condescending so low to give them reasons for their actions in parliament, and gave the house most humble thanks for the same.

But withal the house were acquainted with an act of declaration of common-council passed last night for listing of horse by the militia of London, which was referred to the committee to treat with the militia about the same.

Order for printing the intercepted letters going to Scotland, and the prince's commission to captain Green.

Debate of a letter to be sent from both houses to the assembly of the kirk of Scotland, acquainting them how far the house hath proceeded in settling the government of the

church, and how they have been obstructed therein by the risings in several parts of the kingdom, and by the marching of an army of Scots in this nation: the draught of the letter was committed.

Order, that major Rolfe should be bailed, and colonel Lilburne released from his imprisonment; and for a conference with the lords about the same; and a committee named to consider how colonel Lilburne may have satisfaction for his sufferings.

The lords concurred with the commons to treat with the king in the Isle of Wight, and to an order to send major-general Mitton into North Wales to suppress the insurrections there. The danger of Langer-Fort and of Loving-Land referred to the general.

Letters sent to several counties about speedy payment of the assessments of the army.

Report of the lord Rich's house in Devon being taken by a party of the king's.

Letters from Colchester leaguer, that those within are very quiet; that two demi-cannons planted against St. Mary's church, after a few shot, brought down a great part of the steeple, and the ordnance mounted upon it, and buried them in the heaps of rubbish. Colchester.

2. Order for a troop of horse and a company of foot to be added to the garrison at Dover, and for a hundred and twenty men to be added to the garrison of Conway-castle.

Order for Mr. Wildman, who was committed with lieutenant-colonel Lilburne, to be discharged of his imprisonment.

Ordinance transmitted for an imposition upon coals, grindstones, salt, &c.

Both houses agreed on these votes:

1. That a message be sent to the king, to acquaint him that the houses desire a treaty with his majesty's person in what place of the Isle of Wight he shall appoint, upon the propositions tendered to his majesty at Hampton-court, and concerning wards and liveries, and to treat with honour, freedom, and safety to his majesty's person. Votes.

To this vote the commons added,

And with safety and freedom to the commissioners.

2. To receive such other propositions to be treated on as shall be presented to his majesty.

3. The commissioners to be despatched within two days with these votes, and to return within ten days.

Commissioners for the Isle of Wight.

The lords chose the earl of Middlesex, and the commons chose sir John Hippesly and major Bulkley, commissioners to go to the king.

A paper presented to the lords from major Huntington of the reasons why he left the army, and touching the carriage of lieutenant-general Cromwell and commissary-general Ireton, since the parliament's going to disband the army, and of overtures to his majesty.

326 Duke of York. The prince.

The duke of York went back to Holland, and the prince continuing in the Downs, sent a letter to the merchant adventurers of London, signed with the prince's hand, which was delivered, and read in common-council.

The effect of the letter was to signify, that his highness had caused to be stayed divers merchants' ships of London, but would discharge them again upon condition that the city would send him 20,000*l.* with this his letter: the prince sent to the city his declaration, that his endeavour was, to rescue the king's majesty his royal father from base imprisonment, to restore the rights and liberties of London, &c. as before. The common-council ordered to acquaint the parliament herewith the next day.

3. Debate of an ordinance to give commission to the lord admiral to execute martial law.

London.

A committee from the common-council presented to the house a copy of the letter and declaration sent from the prince to the lord mayor, aldermen, and common-council of London, who commanded copies thereof to be presented to both houses before they did any thing concerning the same.

After much debate, the house ordered the originals to be sent to them, the copies not satisfying; and that no answer be returned by the common-council, nor they to proceed thereupon, without special leave from the parliament.

Kent.

Order for the committee of the army to bail such officers of the army then in restraint, who were in the Kentish insurrection, as that committee should think fit, and the rest to be examined by the committee of Kent.

Reference to a committee to slight or continue Queenborough-castle, as they should think fit; and to the com-

mittee of Derby-house to consider of the fort at Gravesend, if it be tenable to fortify it, and provide ordnance for it.

4. Debate upon the prince's declaration and letter to the common-council, which was brought to the house of peers from the common-council, but not to the house of commons.

After most part of the day spent in debate thereof, the commons voted, that all persons, subjects of this nation, and others, who did join with or assist prince Charles in this war, by sea or land, against this kingdom, are traitors and rebels, and ought to be proceeded against as such; and this vote ordered to be printed and published. Votes.

Order for 1000*l.* for the children of Dr. Twisse.

The ordinance passed the commons for better regulating of the estates of papists and delinquents.

Letters from Colchester leaguer, that a small party came out of the town, and were beat in again; that divers soldiers, horse and foot, a lieutenant, a cornet, and an ensign, came out of the town to the general, and said that many more of their party watched for an opportunity to do the like, and were weary of eating horseflesh. Colchester.

The town of Yarmouth returned an answer to colonel Scroop, that they will adhere to the parliament against all interests; and if his excellence the lieutenant-general shall command it, they will admit colonel Scroop's forces into the town; and that he shall have liberty upon all occasions to march through the town; and that they are able of themselves to suppress all tumults that shall arise. Yarmouth.

5. Some of the enemy came out of Colchester to the parliament guards, complaining that their allowance of bread in the town was abated from fourteen ounces to ten ounces a day, and that their horseflesh was much tainted. Colchester.

That twenty more came out of the town to the general complaining of the horseflesh, and said, that many of their fellows will come after them.

6. Order for a day of public humiliation, to bewail the sins of the nation, and to pray to God for seasonable weather.

Debate upon the ordinance for settling church-government.

Order for two thousand oaks for repair of the town of Lynn.

The self-denying ordinance, for taking away all public Self-denying ordinance.

places of benefit conferred upon any member of parliament since the beginning thereof, was debated and committed.

This was looked upon as a design tending to remove me again from being a commissioner of the seal, which was not a place of profit to me, having left my practice, that brought me in near 2000*l.* a year, and the profit of this place being not above 1500*l.* a year.

Colchester. Letters from Colchester leaguer, that they conceive themselves able to take the town by storm when they please, but hope to have it without, and are not willing to lose so many men's lives as a storm will cost; that the flux increaseth among them in the town; and that two hundred of their men lately ran from them to the general; that they exchanged thirty-five prisoners with the town.

7. The house being called, and a small appearance, another day ordered for a new call.

Debate upon the ordinance for the militia.

Order for 600*l.* for Mr. Sleigh, late mayor of Berwick, in regard of his losses when the town was surprised.

Sir Hardress Waller. Order for the general to recall his orders for the march of sir Hardress Waller out of the west, that the country might not be left in danger, and for pay for his brigade.

Sir William Masham was exchanged for Mr. John Ashburnham.

Cromwell. Letters from the north of the advance of lieutenant-general Cromwell towards major-general Lambert, whom he desired not to engage with the Scots before his coming up to them.

Scarborough. Commissioners were sent to treat with colonel Boynton for the surrender of Scarborough-castle to the parliament, from whom he had revolted, but they made no agreement with him; that the commissioners shot in a printed order to the soldiers in the castle, promising them 1000*l.* to deliver it up to them.

Scots. That Appleby-castle was surrendered to major-general Langdale upon conditions; that some quarrels were between his men and the Scots, who killed an Englishman, and one of Langdale's men killed a Scotchman; that the Scots army and major-general Lambert's forces were near one to another, but did not engage.

There being extreme violent storms of wind and rain, which did much hurt, six prisoners in Tinmouth-castle escaped, let-

ting themselves down through a privy-house by ropes and several sheets tied together.

Letters from Dublin, that colonel Monk and colonel Hungerford with eight hundred men took the field, and stormed Ballahor-castle, which they gained, and besieged Nabor-castle. Monk.

From Chester, that the lord Byron was out with three hundred men, and advanced towards Anglesey.

8. A letter came from the prince to the speaker of the house of peers without any mention to be communicated to the commons, in which letter the prince takes notice of the progress made as to a personal treaty, and desires, 327 Letter from the prince.

1. That the treaty be in such a place and manner as may consist with the honour, freedom, and safety of his majesty his father, so that the agreement may not be blemished with any face of restraint.

2. That the treaty be between the king and his two kingdoms of England and Scotland, that things may go on fairly to all persons concerned therein.

3. That during the treaty there be a general cessation of arms, that the affection of the people of this and the other kingdom be not lessened by acts of hostility.

4. An ordinary moderate subsistence during the treaty may be agreed upon for all forces on foot, and, which in no sort must go unmentioned, for the Scots army now in England, and so as may be with least pressure to the northern parts.

And if the two houses will agree to these things, he will endeavour to his utmost power with his father for a good agreement.

He concludes with a desire, that a course may be taken to content him and his ships now in the Downs with money and provision, that so he nor they may not hinder the city trade, and discharge the ships he hath now in hold.

One of those ships taken by the lord Willoughby, who was vice-admiral of the prince's fleet, had in her near 20,000*l.* in gold, which she brought from Guinea, most of it belonging to Mr. Rowland Wilson, the father and son, and their partners. Fleet.

The lord Willoughby did affirm, that when the earl of Warwick with his fleet came near to the prince his navy, the lord Willoughby and some others were earnest to have fought the parliament's fleet, and had some assurances given them that several of the earl of Warwick's ships would have revolted to the prince. Lord Willoughby.

But that others about the prince dissuaded him from fighting, pretending the danger to his highness's person, and carried it by that argument against fighting; whereas in probability, and as the seamen's affections then stood, if they had fought, the parliament's fleet had been endangered.

London petition. A petition was presented to both houses from the common-council of London, desiring,

1. That the king may be free from his restraint.
2. Invited to a treaty.
3. That all acts of hostility by sea and land may by command of king and parliament cease.
4. That the government of the church may be settled according to the covenant.
5. That distressed Ireland may be relieved.
6. The people of England, by disbanding all armies, eased.
7. The liberty of the subject restored.
8. The laws of the land established.
9. The members of both houses enjoined to attend.
10. That the self-denying ordinance may be effectually observed.
11. That speedy consideration be had of such merchants whose ships and goods are stayed by those with the prince in the revolted ships, and that some expedient may be thought of for discharge of all ships, that trade be not destroyed.

Answer. The lords gave thanks to the common-council; the commons appointed a committee to draw up their answer.

Petition. A petition to the commons from the reduced officers, that there may be a speedy settlement of religion, the king, parliament, and kingdom, in a parliamentary way, by a free and personal treaty, according to the late desire of the city of Officers. London, and that all officers and soldiers, without exception, whose accounts are not stated, may have them audited.

Order for payment of the petitioners' arrears out of their discoveries, and for a committee to give them further satisfaction, and to make payment to the non-commissioned officers of sir Robert Pye's regiment of their arrears.

Order for Mr. Halyburton, who brought letters to the king from the committee of estates in Scotland, to stay here for a month for the king's answer.

Major Huntington made oath in the lords' house, that the narrative given in by him was true, and would be attested.

Colchester. Letters from Colchester leaguer, that twenty or thirty a

day run from the enemy, and the last day a whole guard together came from them; that their wine and raisins are near spent, so that the common soldiers get none.

That they killed thirty horses, to powder them up, and have the bloody-flux much among them; that they have drawn off their guns from the wall: some say they will carry the parliament committee with them into the castle, and cut their throats, if they may not have conditions for themselves.

The general sent a letter by a drummer to the lord Norwich, lord Capel, and sir Charles Lucas, about exchange of prisoners.

9. The grand committee sat long about the ordinance for the militia.

Debate upon the self-denying ordinance.

Answer to city petition.

The answer to the city's last petition was sent to them to this effect, showing how far they have proceeded to a treaty with the king, the votes thereof, their expectation of the king's answer, and hopes that he will treat.

That the Scots are declared rebels for invading the kingdom, and they hope the city will join in the subduing of them. That they offered the revolted ships indemnity, but they refused to come in; the votes for reducing them, and the reference to a committee to treat with the king for a way for free trade.

A collection ordered on the fast-day for the poor people that are come out of Colchester.

Mr. Thomas Cook's composition passed.

The keeper of the prison in Canterbury put out.

From the king.

Letters from the commissioners with the king, that his majesty is willing to have the treaty, and likes the terms of honour, freedom, and safety; and though he have no secretary, yet he will give them his answer in their time.

Order that none speak with Mr. Halyburton but in the presence of his keeper.

10. The fast-day.

The prince.

Letters from Holland, that the merchants there do highly resent the prince of Wales's being in the Downs, as a great hinderance of traffic.

That there is tampering to borrow some regiments to attempt something in England; adviseth to look to Poole, Lyme, and Weymouth.

That the letters and declaration of the prince of Wales were printed there in Dutch and French.

11. Debate upon the ordinance for settling church-government, and the title to it agreed.

The ordinance for settling the militia of Wiltshire transmitted to the lords.

328 Letters from the Isle of Wight, that the earl of Middlesex with the rest of the parliament's commissioners attended the king at Carisbrook-castle, where the earl read the votes to his majesty for the treaty, who received them with much cheerfulness, and said, that no man desired peace so much as he, in his several relations as a king, a husband, a father, a master, and that he would give ear to any motion or overture which might conduce to a good accommodation; and that whosoever gained by these troubles he must needs be a loser; and that he would despatch them within the time limited.

Earl of Middlesex.

Commissioners with the king.

12. The grand committee sat about the ordinance for the militia.

Conference. At a conference with the lords about Mr. Rolph and Mr. Halyburton, the commons alleged, that Mr. Rolph was committed by their lordships without any cause in the warrant, and they found reason to clear him; and that Halyburton was employed by the Scots, enemies to this kingdom, and therefore not to be protected here.

The lords desire the commons' concurrence to an ordinance to disable major-general Skippon from listing any more forces in the city.

Order for the exchange of the rest of the committee of Essex under restraint in Colchester.

Personal treaty. Sir Peter Killegrew returned with letters from the Isle of Wight, that the king had agreed to a personal treaty at Newport in that island, and desired that Scotland might treat also, but left that to the two houses.

Yarmouth. Letters from the bailiffs of Yarmouth to the general, that they had received a letter from prince Charles in the Downs, with a declaration, by a fisherman going to sell his fish in France, which was taken from him by the admiral, and this declaration (which is in print) and the letter (which now they sent to the general) was sent by the fisherman to Yarmouth.

That the town made answer, they would stand to their first

engagement to the parliament, and oppose all hostile attempts against them and the kingdom.

His excellency took this so well from them, that he sent them word he would not put any forces into the town, unless they and necessity should require it.

The prince's letter to the town was, that he had sent to them his declaration, as he had done to London and other places, and expected their concurrence for his majesty upon the grounds and for the ends expressed in the declaration. Prince's letter.

And that they would with courage join with him, and the English and Scots forces already appearing, for the obtaining of a happy and well grounded peace in spite of all opposition, and for the freeing of all his majesty's subjects from tyranny, oppression, and all illegal taxes, &c.

14. The commissioners returned from the king, reported their reception, and passages in that business with his majesty, and his letter to both houses, wherein he expresseth his sad condition for seven months last past, likes well of the treaty, and desires, The king's letter.

1. That the parliament would recall all such votes and orders by which people are frighted from coming, writing, or speaking freely to him.

2. That such men of all professions whom he shall send for, as of necessary use to him in this treaty, may be admitted to wait upon him, that he may be in the same state of freedom he was in when he was last at Hampton-court.

3. That the Scots may be invited to send their commissioners to join in this treaty.

4. He names Newport in the Isle of Wight for the place of treaty, but thinks it would be much more conducing to a good and speedy issue, to have the treaty in some place in or near London.

The lords desired the commons' concurrence, that Dr. Shelden and Dr. Hammond might attend the king.

Letters from sir Arthur Haselrigge, that lieutenant-colonel Henry Lilburne, governor of Tinmouth-castle, commanded most of his officers and soldiers out of the castle upon service, and reserved a few (most of them he knew to be of his own mind) with him in the castle. Col. Henry Lilburne.

Then he discharged the prisoners, and calling all the soldiers together, he declared for himself and king Charles, and that such as did not yield hereunto were dead men; where-

upon many of the honest soldiers got over the wall, but a corporal refusing to consent hereunto was presently run through by the lieutenant-colonel, who then sent to the Shields, and town, desiring such as loved king Charles to join with him, which many did accordingly.

Haselrigge. That this news being presently brought to Newcastle, sir Arthur Haselrigge drew out a considerable body of foot, and one hundred dragoons, with orders to storm the castle, which they attempted, but the ladders were too short, yet they forced in at the portholes, and notwithstanding the cannon playing upon them, after a short dispute they became possessors of the castle.

The soldiers had quarter, many within were slain, among whom the governor; of the parliament's soldiers three were wounded, and not one slain.

Scots. That the Scots play at sweepstake, take all, moveables, cows, sheep, and all household stuff to the very pothooks; that they take children, and make their parents pay ransoms for them, and force women before their friends' faces; that lieutenant-general Cromwell was come up to them with Lambert; and had taken about four of the Scots.

That colonel Stephkin, who had formerly betrayed Stafford to the parliament, had now a design to betray it back again to the king, but was prevented by the care of captain Stone, the present governor, and was slain.

London. 15. A verbal message from the common-council of London, desiring the house of commons to consider of their votes, in order to their security, that the militia of the out-parts may be joined, that major-general Skippon may not list without them, with a representation of the officers of the city, that they would be as faithful to the parliament as ever.

The house ordered thanks to the gentlemen, and an ordinance to be brought in for transmitting the power of raising and listing forces to the militia; that the committee for joining the militias should be revived, and the other committee added to them. Sir John Hippesly and Mr. Bulkley, who were commissioners to the Isle of Wight, had the thanks of the house.

Col. Rich. Letters from colonel Rich, that the prince landed five hundred soldiers, about three hundred mariners, and one hundred officers and reformados, with orders to fall upon colonel Rich

and colonel Hewson in their trenches; they marched by Upper Deal in good order, and being discovered, three hundred musketeers were drawn off (all they could get) under Hewson lieutenant-colonel, and major Husbands, with one hundred horse.

The prince's forces marched up with great resolution, and to prevent the parliament's horse from annoying them, had 329
marsh-ground for their action and retreat, which put the horse upon a loss, not knowing how to engage, but major Husbands wheeled about in a way of retreat.

This occasioned the prince's men to advance to firmer ground in confidence of victory, which the parliament's horse took advantage of, flanked the prince's men, and were almost in the rear of them.

The three hundred musketeers at the same time charged the prince's men, and put them in disorder; and the parliament's men fell to execution: about two hundred of the prince's men were slain on the place and in the pursuit, of whom many were of quality, one hundred prisoners, and three hundred arms were taken.

Many of them were wounded, and not above one hundred serviceable men thought to return to the ships: some fled to the castle, from whence forces came out to fetch them in, but were beaten back, and left arms behind them.

Of the parliament's forces, colonel Rich's quartermaster was slain, major Husband's lieutenant wounded, three horsemen and four footmen killed.

Order for a letter of thanks to colonel Rich, and that major Husbands who brought the news and lost divers horses in the fight, should have 150*l.* to buy him more horses, and that colonel Hewson should have 150*l.* to buy him horses.

The grand committee sat for the militia in the afternoon.

16. The lords desired the commons' concurrence to these votes. Concurrence.

1. That the treaty be according to these votes.

2. That the votes against further addresses to the king be recalled.

3. That such persons as his majesty shall send for in the treaty be admitted to wait on him, and that he be in the same freedom as he was at Hampton-court.

4. That such servants as he shall appoint may wait upon him.

5. That the place for the treaty be in Newport in the Isle of Wight.

6. That the Scots be invited to treat upon the propositions presented at Hampton-court.

7. That his majesty be admitted to invite the Scots to treat upon those propositions.

8. That the instructions to colonel Hammond be recalled.

9. That five lords and ten commoners be chosen to treat with the king.

10. That it be referred to the committee of lords and commons for peace, to prepare all things in readiness for speeding of the treaty.

The commons ordered these votes to be considered *de die in diem*, till they be finished, and nothing to intervene.

Col. Martin. Upon information that colonel Martin, a member of the house, and colonel Ayres, and Mr. Walrond, were raising of horse in Berks, and took horses from the inhabitants against their wills, and had no authority from the parliament for it;

The house ordered colonel Martin to attend them, and colonel Ayres and Mr. Walrond to be sent for in safe custody for this action.

Scots letter. The committee of estates of Scotland sent a letter to the prince, wherein, next to his father's restraint, they bewail his highness's long absence from that kingdom, his right by descent, and now that their forces are again in England, they humbly beg his highness's presence, to countenance their endeavours for religion and his father's reestablishment. And if he will intrust his person among them, they engage the public faith of that kingdom for his highness being in honour, freedom, and safety, whilst he shall be with them in Scotland, or in their army in England, with liberty to return when he shall please, and this was sent to him by the earl of Lauderdale.

Earl of Lauderdale.

Sir Humphrey Forster was plundered by colonel Martin's new raised troopers, who were a kind of freebooters and levellers, and abused all that were not of their own persuasions, and they uncivilly treated this gentleman.

Manifesto. 18. Both houses passed a manifesto, that whereas they had not been able to afford to the protestants in Ireland such supplies and relief as was necessary for them, and therefore

had employed Mr. Derrick Hoast, Mr. Corseilles, Mr. Maurice Thomson, and Mr. Laurence, their commissioners to the States of the United Provinces, to solicit contribution and relief from thence for Ireland, who had there collected by voluntary contribution 31,218*l.* 12*s.* 5*d.*, and was disposed of for victuals.

The lords and commons take notice of the great affection of the people of the United Provinces herein, and acknowledge their pious and charitable sense of the miserable condition of their distressed brethren in Ireland, and their benevolence for relief of those protestants, and do give their most hearty thanks to the commissioners, and to the treasurers there named, and to all others who have (without any salary) assisted in that work.

After long debate whether the commons should concur with the lords in the vote to invite the Scots to the treaty, it was carried in the negative. Debate.

The commissioners of the seal had a meeting with the judges about their riding of this summer's circuit, and they resolved to know the pleasure of the houses therein.

19. Vote, that if his majesty shall think fit to send for any of the Scottish nation to advise with him concerning the affairs of the kingdom of Scotland only, the houses will give them a safe conduct. Vote.

Vote for ten of the house of commons to join with five lords, as commissioners, to treat with the king.

Order that the judges be desired to go their several circuits as formerly appointed, except some counties where the king's forces were; and that they may avoid going to any place where they shall apprehend to be any danger.

Order that the chief justice of Chester shall go down.

Letters from Colchester leaguer, that five came out of the town and said, that the cries of women and children, and the poorer sort in the town, are very great, and that they are like to starve; that Goring will permit none who are well affected to the parliament to come out of the town, unless some of his party may come with them. Colchester.

That a woman and five children (one sucking at her breast) came out of the town, and fell on her knees before the parliament's guards, begging leave to pass the line, but they

were forced to turn her back again, lest hundreds more should follow her, to the prejudice of the service.

That those who come out of the town affirm, that all the dogs and cats, and most of the horses there, are already eaten.

That a trumpeter came from the enemy in Colchester, desiring leave to send to know whether they may have relief or not, and if they see no hopes of any within twenty days, then to treat, but the lord general denied this desire.

That they in the town refused to exchange the earl of Cleveland for one of the committee; that the women and children were at the lord Goring's lodging for bread, who told them, they must eat their children if they wanted; the women replied, that they would put out his lordship's eyes, and highly reviled him.

The prince's letter.

The prince sent a letter to the lord general Fairfax

For moderation to be used towards major-general Langhorn, colonel Powel, colonel Poyer, and others who acted by commission from him, otherwise he should be necessitated to proceed contrary to his intentions against such as should fall into his hands.

Subscribed,

Your loving friend,

CHARLES P.

Answer.

The general returned answer,

That he had acquainted the houses with his highness's letter, it not being in his power to act further, the parliament having ordered the way in which the prisoners should be proceeded against, not so much for hostility as for breach of the trust they reposed in them, to the engaging the nation again in war and blood.

Subscribed,

Your highness's most humble servant,

FAIRFAX.

Letters from the north, that as yet there was no engagement with the Scots.

Treaty.

21. The commons concurred with the votes touching the treaty, and referred it to the committee of both houses for peace, to prepare things needful for the treaty.

They thought fit again to send to his majesty, to let him know how far they had proceeded as to treat, and to have his approbation.

A letter from the general, that he had received an order

from the lords to deliver the earl of Holland from Warwick-castle, to be confined to his house at Kensington.

A letter from the lord admiral, that upon the lords' passes for some to go beyond seas, they had gone to the prince, as Mr. Halyburton the Scots agent, the lord Andover, and others. Passes.

The commons desired a conference with the lords about it, and that a letter be sent to the lord admiral and to the lord general, to make stay of all such persons, notwithstanding their order.

Upon petition of thousands of the suburbs that had joined with major-general Skippon, he was ordered to grant them commissions, and the committee for suppressing of tumults to furnish them with arms. Suburbs. Skippon.

Letters from Salop, that sir Henry Lingen with a party of horse took sixty of Colonel Harley's men; and about two days after, a party of colonel Harley's and colonel Horton's men met with sir Henry Lingen's men about Radnor, regained all their horse and prisoners, took sir Henry Lingen and colonel Crofts, and many other of the king's commanders, prisoners, slew divers of the party, and routed the rest. C Harley.

Letters from Colchester leaguer, that the approaches were so near, that the besiegers and the enemy laid aside their muskets, and instead of shooting cast stones at one another. Some petitions, enclosed in a letter from the lord Norwich and the rest, were sent to the general, expressing, that at the desire of the inhabitants they had thought fit to send them. Colchester.

And that they should be constrained, for the better accommodation of the soldiery, to turn out the townspeople, whereby their houses and goods would be left liable to spoil and ruin; for prevention whereof, they had thought fit to treat with his lordship for the surrender of the town if he pleased; to which purpose they would send six officers, if his lordship would appoint the like number. Letter to Fairfax.

With this came another letter, offering an exchange of captain Gray for Mr. Weston and Mr. Rowling: the general accepted of the exchange, but as to the treaty, said he would send answer by a messenger of his own.

The general was in some danger by a shot from the town; that one who was exchanged told the lord Norwich he heard the parliament soldiers discoursing sharply against those in Colchester, and one of them bid him tell Goring, that they

would bore a hole through his nose, and draw him with a rope through Cheapside, crying, *Here is the great bull of Colchester.*

Petition. The enclosed petitions were, one to the earl of Norwich, the lord Capel, and sir Charles Lucas, from the inhabitants of Colchester.

That having received their commands to depart the town for better supply of the soldiers, they might petition the lord Fairfax for liberty to pass into the country, to prevent the danger of their lives without his leave.

They prayed their honours to give way for their petition to be presented to the lord Fairfax; and till they had his answer, that they might not be enforced from their habitations.

Petition to Fairfax. The petition of the inhabitants of Colchester to the lord Fairfax was to inform his lordship,

That the commanders-in-chief in the garrison had ordered all the inhabitants to provide with expedition to depart the town, or otherwise by power they should be forced thereto; for that whatever became of the townsmen, the soldiery, who maintained the king's cause, must and shall be provided for.

That being driven to this exigency, they have no other means but to fly to his Christian charity and clemency, and humbly to pray that he would give them leave to pass into the country for the preservation of their lives.

Subscribed by the mayor and four aldermen, in the name of all the petitioners.

Fairfax his answer to the letter. To the letter the general returned this answer:

He was willing to believe, that the pressing necessities of the miserable inhabitants of Colchester had wrung from them the petition enclosed in their letter.

That he should not only clear himself to all the world from the occasion of their sufferings, but so far contribute to their relief, as to allow all the inhabitants of the town (the lords first engaging not to restrain any who shall be willing to come out) to enjoy the liberty in their petition desired.

Provided the committee of the county of Essex, then prisoners with the lords in the town, be sent out with the first: only he shall not permit the wives and children of any townsmen or others, who shall abide with the lords in arms, to have the benefit above mentioned.

Concerning the rendition of the town, he offers, that all such officers and soldiers under the degree of a captain, (excepting all

such who being members of his army have since the 10th of May last deserted their colours,) they engaging themselves never hereafter 331
to bear arms against the parliament, shall have passes without injury offered them to return to their respective homes.

And all captains, and other superior officers, with the lords and gentlemen, to submit to mercy.

Subscribed,

Your lordship's servant,

THO. FAIRFAX.

An express came from lieutenant-general Cromwell in the general of his defeating the Scots army under duke Hamilton. Cromwell.

New instructions for colonel Hammond. Instructions for C. Hammond.

1. That the king be removed to Newport in the Isle of Wight, the place of the treaty.

2. That he be in the same condition and freedom there as he was at Hampton-court.

3. That no person in the first exception out of mercy, nor under restraint of the parliament, nor of late actually in arms against the parliament, be admitted to the king.

4. That no person that hath been in arms against the parliament, or aiding or assisting to them, or of whom there is just cause of suspicion, be admitted into any fort or tower in the Isle of Wight.

5. That no person of any foreign nation be admitted to come into the same isle, without leave from both houses of parliament.

6. That if the kingdom of Scotland send any to treat with his majesty, they shall have a pass from both houses.

7. That his majesty pass his royal word not to go out of the island during the treaty, nor twenty-eight days after, without the advice of both houses of parliament.

Additional power of martial law to the lord admiral.

An ordinance transmitted to the lords for raising 3000*l.* out of the estate of the late lord keeper Coventry towards reparation of lieutenant-colonel John Lilburne, for two sentences against him in the starchamber. Starchamber.

Order for the committee of the revenue to state to the house what offices and places are enjoyed by duke Hamilton.

Order for money for Holy Island, and the governor to have thanks, and sir Arthur Haselrigge to make up the men there an hundred.

Letters from the lord admiral for money.

Letters from Colchester leaguer, that they sent five hun- Colchester.

dred women out of the town, who came confidently towards colonel Rainesborough's quarters: he commanded a cannon to be shot off, but so as not to hurt them: they came, notwithstanding: he ordered the firing of some muskets at them with powder only; still they came on: then he sent out some soldiers with orders to strip the women, which made them run, but none of them were stripped.

The town refuse to let these poor women in again: they stood between the town and the army: the general sent to those in the town, to receive their women in again; tells them of their cruelty, and that the blood of those miserable creatures must be answered for by them; but they regarded it not.

One of the horse of the parliament's sentries being killed, many of the town came forth to fetch in the dead horse, and divers of them were killed, yet got not the horse: the next day they came again, and ventured their lives to cut off pieces of the stinking dead horse to satisfy their hunger.

This may inform us of the cruelty of some men's natures, and their hardheartedness, to force these extremities and miseries upon others, rather than not to have their own will.

We may likewise take notice of and pity the sad calamities which many good people did groan under and were compelled unto by our civil war, to adventure their lives for a piece of stinking carrion.

Let these passages retain us from all occasions which may tend to the fomenting of any such troubles hereafter, and may this nation never feel the like again!

Debate upon the ordinance of the militia of London.

Cromwell. 23. Letters from lieutenant-general Cromwell, that after the conjunction of his forces with those in the north, upon advertisement that the enemy intended southward, and for London itself; and that the Irish forces under Monroe, twelve hundred horse and fifteen hundred foot, were on their march towards Lancaster to join with them:

Preston fight. That it was thought by the council of war, that to engage the enemy was their business, and to that end the army was quartered all night in the fields, and the next morning they marched towards Preston in Lancashire:

That having intelligence that the enemy was drawing together thereabouts from all his out-quarters, Cromwell

drew out a forlorn of two hundred horse and four hundred foot, who gallantly engaged the enemy's scouts and guards, till Cromwell got opportunity during this skirmish to bring up his whole army:

That so soon as Cromwell's horse and foot were come up, they advanced with their forlorns, and put the rest of the army into as good a posture as they could; the ground for the horse being inconvenient, miry, and enclosures, they pressed upon the enemy through a lane, forced them from their ground, after four hours' dispute, until they came to the town:

Into which four troops of Cromwell's regiment first entered, being well seconded by colonel Harrison's regiment: they charged the duke's men in the town, and cleared the streets: at the last, the enemy was put into disorder, many were slain, and many prisoners taken.

The duke, with most of the Scots horse and foot, retreated over the bridge, and the parliament's horse and foot following them, after a hot dispute betwixt the Lancashire regiments, part of the general's and they being at push of pike, they were beaten from the bridge.

That the parliament's horse and foot pursuing them killed many, and took divers prisoners, and possessed the bridge over Derwent, and a few houses there; that the enemy being drawn up within musket-shot of them, where they lay that night, they were not able to attempt further upon the enemy, the night preventing them.

That in this posture they and the enemy lay most part of that night; that upon their entering of the town, many of the enemy's horse fled towards Lancaster, and were pursued near ten miles, with execution done upon them, about five hundred of their horse taken, and many prisoners.

That in the fight they took from the enemy four or five hundred arms; the number of the slain was about one thou- 332
sand; the prisoners about four thousand.

That in the night the duke marched away about eight thousand foot and four thousand horse; Cromwell followed him with about three thousand foot, and two thousand five hundred horse and dragoons; and that in this pursuit colonel Thornhaugh, pressing too boldly, was slain, being run into the body, thigh, and head, by the enemy's lances.

That Cromwell's horse still prosecuted the enemy, killing and taking divers in the way, but by that time his army was come up the duke recovered Wiggan before they could attempt any thing upon them: they lay all that night in the field, dirty and weary, where they had some skirmishing with the enemy, where they took major-general Van Drusk, colonel Hurrey, and lieutenant-colonel Innis prisoners.

That the next morning the enemy marched towards Warrington, made a stand at a pass, which was disputed with great resolution on both sides for many hours; at length Cromwell beat them from their standing, killed about one thousand of them, and took about two thousand prisoners.

That Cromwell pursued them home to Warrington town, where they possessed the bridge; Cromwell coming thither received a letter from lieutenant-general Bayly, desiring some capitulation, to which Cromwell yielded, and gave Bayly these terms:

That he should surrender himself and all his officers and soldiers prisoners of war, with all his arms, ammunition, and horses upon quarter for life; which accordingly was done; and here were taken four thousand complete arms, and as many prisoners, and the duke's infantry ruined.

That the duke marched with his remaining horse, being about three thousand, toward Nantwich, where the gentlemen of the country took about five hundred of them, and the country killed divers of their men.

That Cromwell sent post to the lord Grey, sir Henry Cholmly, and sir Ed. Roade, to gather all together with speed for the pursuit of the enemy. That Monroe is about Cumberland with the horse that ran away, and the Irish horse and foot, and a strength was left to make resistance against them.

That the Scots army were twelve thousand foot, well armed, and five thousand horse; Langdale had two thousand five hundred foot and one thousand five hundred horse, in all twenty-one thousand; and in the parliament's army, in all, about eight thousand six hundred; and of the enemy, about two thousand were slain, and about nine thousand prisoners taken, besides what are lurking in hedges and private places, which the country daily bring in or destroy.

A day of thanksgiving ordered for this great victory.

Order for provision of shoes and stockings for the soldiers.

Mr. Sexby, who brought up two letters, had 100*l.* given him, and 200*l.* ordered to Mr. Berry for this service.

Order for commissions to issue in several counties, to inquire what loss is sustained by particular persons by the invasion of the Scots, that satisfaction may be given therein.

24. An ordinance for settling delinquents' estates for maintaining a troop of horse in Surrey.

A committee made to examine a plot in the city, and the house approved of their committing major Rivers and others to Windsor-castle.

25. Order for the judges to go the northern circuit, if they please.

A second letter from lieutenant-general Cromwell, confirming the total routing of the Scots army, with a list of the prisoners, and a hundred colours taken, sent up to the house, who gave 100*l.* to captain Pilson that brought the letters, and referred them to the committee of the army, as to providing necessaries for the army. Cromwell.

Both houses passed the letter to his majesty with the votes enclosed in relation to a treaty, and sir Peter Killegrew despatched away with it to the king.

The 40,000*l.* charged in Goldsmiths'-hall for the Scots as part of their 200,000*l.* was now ordered for the service of the navy.

Letters from Colchester leaguer, that the lord Norwich, lord Capel, and sir Charles Lucas, sent a letter to the general, Colchester leaguer.

That the officers advising upon his former letters, (demanding the persons of all the officers with them, above the quality of a lieutenant, to render themselves to mercy,) it was unanimously resolved by them not to yield to the mercy of any other but that of God alone.

That to avoid effusion of blood, they sent now the lowest conditions which in honour they can receive, conceiving the like have never been refused to any lower reduced than they: they offer to send one gentleman or more to clear any scruples in words: in the letters the articles proposed by them were enclosed.

To this the general returned answer,

That when he looked upon their condition to be far better than now it is, he then offered such terms as were thought Fairfax's answer.

suitable to their conditions, but now they being in a worse posture, both in relation to themselves within, and to any expectation of relief from without, it is not to be expected from him that their conditions should be better; therefore he was still resolved not to grant any such terms as were demanded by them.

26. Referred to the committee at Derby-house, to dispose of the noblemen and other prisoners taken at the fight at Preston unto such castles and places as they shall think fit.

An ordinance passed for taking away obstructions in the sale of bishops' lands.

Deal-castle. Letters from colonel Rich of the surrender of Deal-castle upon articles, which the house approved, and ordered colonel Rich to be governor there; and gave 100*l.* to lieutenant Axtel, who brought the news to them.

Referred to the committee of the army to take care to repair Deal and Warmer.

Mr. Halyburton, stayed at Tilbury in his going to the prince, was ordered to be delivered to the lord admiral to be transported into Scotland.

Debate about the militia.

Intelligence that Langdale with about ten gentlemen more, disguised, were taken about Nottingham, and were now pri-

D. Hamilton. soners there; and that duke Hamilton was forced by the country (who had eased him of one thousand of his horse) to fly to Uxeter in Staffordshire, and was there blocked up, and that lieutenant-general Cromwell was gone further against Monroe.

Colchester. Letters from Colchester leaguer, that the enemy sent out
333 a drum with Mr. Barnadiston, one of the committee, and colonel Tuke one of their party, to desire to treat upon what was formerly offered by the general.

And by a full council of war it was resolved, that in regard the inferior officers and soldiers in the town had slipped their opportunity, that now they should only have fair quarter.

And provided that the committee under restraint be forthwith released, that a treaty be admitted upon circumstances necessary for the clearing and orderly performance of the fair quarter now offered; and to treat as to securing the town from plunder; and the lords, general officers, captains, &c. to be rendered up to mercy.

That the private soldiers on both sides held treaties among themselves, which caused the enemy to send out so hastily to treat upon terms of mercy, fearing that their private soldiers among themselves had agreed to deliver them up.

That the officers in the town gave the soldiers sack, burnt claret, raisins, and good words, to join with them to break through the parliament's army, and prepared poles and boards to break over North bridge, which way they intended to escape.

When they were all drawn out into the town, the soldiers agreed among themselves not to consent to their going out, knowing that then they would break through themselves, and leave the soldiers to the mercy of the parliament's army.

And some of their soldiers got to the gates, and said they would kill their officers if they offered to stir out, and so continued in an high mutiny.

This is the disposition of soldiers, and indeed when life is at stake, who knows or submits to discipline?

28. Debate about compositions.

An ordinance for sequestering all Scots that engaged in the late action, and had any estates or places here.

Letters from Colchester concerning the surrender of the town.

Colonel Wayte, a member of the house, reported the taking of duke Hamilton, and above three thousand horse and men at Uxeter, all prisoners at mercy, but had quarter given them by the lord Grey, and the duke was sent to Ashby de la Zouch. The house gave 100*l.* to major-general Smithson, and 100*l.* to major Evans, and ordered thanks to the counties for their assistance. Duke Hamilton.

Order to sequester sir H. Gibbe's estate.

A committee to examine duke Hamilton and others, who say they were invited to come into England by ten for one more now than they were before.

Intelligence from the Downs, that the prince had a design to go to the Scots army, but the sailors would not agree to it, but consented to go against the earl of Warwick; and in the mean time hearing of the defeat of the Scots army they altered their course, that the earl of Warwick went out to fight with them. The prince.

Letters from Colchester, that the articles were signed, and Colchester.

colonel Rainsborough's regiment and another entered the town, and saw a sad sight of so many fair houses burnt, and so many inhabitants sick and weak, with living upon horses and dogs, and eating the very draught and grains for preservation of their lives.

29. Sir Peter Killegrew returned with the king's answer to the votes touching the treaty.

Treaty. That he did accept the treaty, and desired the commissioners might be speedily sent, fully authorized and instructed, not doubting but what is now wanting will upon debate be fully supplied, not only to the furtherance of the treaty, but to the consummating of a safe and well-grounded peace.

He desired a pass for one to go from him into Scotland, and enclosed in his letter a list of such as he desired to be sent to him.

Scots. A committee appointed to consider how every county may maintain a proportionable number of the Scots prisoners, and to treat with merchants about transporting them to foreign service.

Order for the lord Grey to dispose of duke Hamilton into safe custody, till the house take further order; and to keep in strong custody all the officers then prisoners, in such places and castles as he should think fit.

Colchester surrendered. Letters from Colchester, that the town was surrendered according to articles, all prisoners at mercy, the town preserved from plunder, paying 14,000*l.* That by the resolution of a council of war, sir Charles Lucas, sir George L'Isle, and sir Marmaduke Gascoigne a papist, were to be shot to death.

Lucas. That the two first were executed, and the third respited. That sir Charles Lucas urged this was to be without precedent; but a parliament soldier standing by told him, that he had put to death with his own hand some of the parliament's soldiers in cold blood; at which he was dismayed, but took better courage afterwards before he died.

That sir George L'Isle kissed his dead friend, and then after much expostulation and discourse, first with the general his chaplain, then (by his own desire) with one of the lord Norwich's chaplains, and some private prayers with him, sir George died, both he and sir Charles Lucas with very much courage.

30. The public fast-day.

The house passed an ordinance for the discipline of the English in New England.

31. Votes for several persons named by the king, to have leave to attend his majesty during the treaty, only Mr. Dowcet and Mr. Legge disapproved of.

Order for instructions to be prepared for the commissioners who are to treat, and for money for their charges.

Order that colonel Farre, lieutenant-colonel to the earl of Warwick, (who engaged one thousand men of the trained bands of Essex to join with the enemy,) should be left to the lord Fairfax, to be executed as sir Charles Lucas was.

A committee appointed to confer with Mr. Mobbot about suppressing of scandalous pamphlets, and to bring in an ordinance for that purpose.

Letter from the general of the particulars of the surrender of Colchester, and a copy of the articles, with the explanations upon them: Colchester particulars.

That for some satisfaction to military justice, and in part of avenge for the innocent blood they had caused to be spilt, and the trouble, damage, and mischiefs they had brought upon that town, that county, and kingdom,

He had, with the advice of a council of war of the chief officers both of the county forces and the army, caused two of them who were rendered to mercy, sir Charles Lucas and sir George L'Isle, to be shot to death, before any of them had quarter assured them, and hopes the parliament will not find cause, in the military execution of these two persons, to think their own honour or justice prejudiced.

That as for the lord Goring, lord Capel, and the rest of the 334
persons rendered to mercy, and now assured of quarter, whose names he sent in a list, he did render to the parliament's judgment for public justice and mercy, to be used as they should see cause: he desires that God may have the glory of his multiplied mercies.

In the list of the prisoners were the earl of Norwich, lord Capel, lord Loughborough, eleven knights, nine colonels, eight lieutenant-colonels, nine majors, thirty captains, general officers servants of the lords and gentlemen sixty-five, lieutenants seventy-two, ensigns and cornets sixty-nine, sergeants one hundred and eighty-three, private soldiers three thousand and sixty-seven.

Letters from Southampton, that the grand jury found the bill against major Rolph, *Ignoramus*.

London. A petition of the common-council of London for unity and amity between the parliament, the city, and the army approved of, and thanks given to the petitioners.

A ship sent from the prince to Guernsey, taken by one of the parliament's ships.

September 1648.

1. An ordinance for stating the accounts of soldiers and widows, ordered to be printed and published. A place to be appointed for the auditors.

Care for augmentations for ministers.

Commissioners to treat in the Isle of Wight. The five commissioners for the treaty named by the lords were, the earl of Pembroke, the lord Say, earl of Salisbury, earl of Middlesex, and the earl of Northumberland.

The ten commissioners of the house of commons were, Mr. Hollis, lord Wenman, Mr. Pierrepoint, sir Henry Vane, junior, sir Harbottle Grimstone, Mr. Samuel Browne, Mr. Crew, Mr. recorder Glyn, sir John Pots, and Mr. Bulkeley.

I was not in town when these commissioners were named, and the business of the seal took up too much of my time to be employed in this treaty, nor did I desire it; all the former treaties wherein I was a commissioner having proved so ineffectual.

2. A letter agreed to his majesty to acquaint him with the commissioners named to attend him in the treaty, and that they should be despatched to him with all convenient speed.

Sir Peter Killegrew sent away with this message.

An ordinance transmitted to the lords for payment of 50,000*l.* part of the last 100,000*l.* formerly ordered for the Scots; 40,000*l.* of it for the navy, 7000*l.* for stores, and 3000*l.* for the pay of the Lancashire forces.

A long debate about the militia.

One thousand of the prisoners taken at Colchester sent up to London.

Mr. Lilly's astrological predictions for the years 1648, 1649, and 1650, published.

Treaty. 4. Both houses agreed for those servants of his majesty who are to attend him during the treaty. And they passed an ordinance to enable the commissioners to treat with his

majesty upon the propositions presented to him at Hampton-court.

Those in the late insurrection in Essex, &c. admitted to a composition at a fourth value of their estates.

Mr. Rolph delivered his remonstrance in the lords' house against the judges, and against his prosecutors, and desired reparation; the house ordered his discharge.

Lieutenant-colonel Lilburne desired reparation for the sentences against him in the starchamber.

Order for the committee to take care for transporting the Scots prisoners in the first place to supply plantations, and the rest to send to Venice.

In a vessel at Exeter one thousand five hundred pair of carabins being found, order for securing them till the matter be examined.

Both houses agreed upon a day of public humiliation, to desire a blessing upon the treaty with his majesty. Humiliation.

Colonel Hammond's instructions for safe keeping his majesty in Carisbrooke-castle repealed; the colonel taking the king's own engagement for his going abroad in the island. Colonel Hammond.

Order for the committee of the revenue to provide horses for the king to ride about the island.

Upon colonel Hammond's desire of an addition of horse and foot during the treaty, referred to the general and committee of the army; and his desire for shipping to lie about the island, referred to the committee of the army to prepare them.

The forces of Suffolk and Essex had a rendezvous with the army, and after shaking hands, and many volleys of shot, they bid one another farewell.

Some regiments marched towards Yarmouth. The lords that were prisoners with two men apiece, and twelve other officers, were ordered to march with the general's regiment to Windsor, to be prisoners there; the other officers were sent to the mount, Pendennis, Cardiffe, Oxford, Arundel, and other strengths, but none beyond Trent. Prisoners.

The common soldiers were to be conveyed to Bristol and other sea-towns, to be transported to America, Venice, or as shall be appointed; the gentlemen soldiers were committed to the care of troopers till further order.

Monroe. Letters from the north, that of Scots, Irish, and English, there are above seven thousand under major-general Monroe, and they have twenty pieces of ordnance; that Lambert advanced to join with Cromwell against Monroe; that the siege of Scarborough-castle continued.

5, Letters from the earl of Warwick, of his pursuit of the prince and of the revolted ships.

A long debate about the militia.

Order that all persons who were in the late insurrections should be incapable of being jurymen, and that the judges in their circuits, and the justices of peace at their sessions, do see this order put in execution.

Elections. Ordered that the former orders and ordinances for the taking away the voices of delinquents in elections should be put in execution, and all officers of cities and towns corporate to take notice thereof.

Order for a call of the house, and a fine of 20*l.* upon those absent.

Starchamber. Order for 3000*l.* for lieutenant-colonel Lilburne, as reparation for the sentence against him in the starchamber.

A message from the lords that Dr. Burges may have his place at St. Paul's settled under the great seal.

335 That the earl of Cleveland may have his liberty for three months upon bail, to take the air in the country for his health; and to recommend a petition from the countess of Kildare, for some reparation of her great losses in Ireland.

Newcastle. Letters from Newcastle, that divers English came thither to ask quarter of the governor, and to desire to be employed.

That the committees of Berwick and Carlisle sit upon sequestrations, and raise moneys, notwithstanding the troubles there.

That many English are with Monroe encouraged by their landlords, and that colonel Fenwick's horse and some dragoons relieved Holy-Island, near Berwick, and stormed Fenham-castle, in which was a garrison of Scots.

6. Order for money for tradesmen who trusted the lord Inchequin for arms.

Treaty. Both houses approved the appointment of moneys for the treaty, 500*l.* for coach and horses for the king, 6000*l.* for his majesty's private use, and 3000*l.* for the charges of the commissioners.

Debate of an ordinance for sale of the lands of deans and chapters.

The commons agreed to the earl of Cleveland's liberty upon bail, so as he engage upon his honour not to act against the parliament. Earl of Cleveland.

Letters from Holland, that it was disputed amongst the States, whether, the prince of Wales being returned thither, they should entertain him in a public way, or give him an allowance per diem; and they agreed to allow him 1000 gilders a day; and some discontents were among the seamen in the prince's fleet. Prince.

Order about stating sir John Clotworthy's accounts, and for his pay, and they declared an acceptable sense of his carriage.

7. The thanksgiving-day for the victory against the Scots.

Sir Peter Killegrew returned with his majesty's answer to the last message from the houses, desiring that the treaty may be hastened; that he could have wished all those desired by him might have been admitted to him, but will not let that hinder the treaty: he desired Dr. Reeves and Dr. Ducke to be admitted to him in relation to the treaty. Answer from the king.

At the sight of a gentleman in mourning for sir Charles Lucas, the king wept.

8. Letters from the earl of Warwick, of the constancy, unanimity, and courage of the officers and seamen in the parliament's fleet; and that the revolted ships, though more in number, avoided them. Fleet.

That the castles of Deal, and the rest at the Downs, upon which the protection of the fleet and of trade have such a dependence, are in great want of reparation, which he recommends to the parliament.

Debate upon the ordinance for sale of deans' and chapters' lands. Major Husbands, sent to the house, acquainted them with the surrender of Sandowne-castle in Kent, and of the condition of the other castles in Kent. Referred to the committee at Derby-house to write to the committee of Kent, and colonel Rich to advise with the lord admiral about the repair of those castles, and of pay for them. Kent.

Upon the general's letter that 4000*l.* of the 14,000*l.* imposed on Colchester to free them from plunder could not be raised, and was remitted by the general, the house ordered 5000*l.* to be raised out of the delinquents' estates in those Colchester.

parts, to make up the sum for the soldiers who should have had the pillage of the town.

9. Order for 150*l.* for Mr. Rolph for his unjust imprisonment.

The city of London advanced 2000*l.* for the business of the treaty.

Major Armstrong, one of the prisoners at Windsor, was rescued at Brandford; the house ordered the captain of the guards to send a party of horse to apprehend those that made the rescue.

Cromwell. Letters from the north, that lieutenant-general Cromwell was at Berwick; that the country generally rose with him against Monroe; that Cromwell sent to Edinburgh to recall major-general Monroe and the forces with him out of England, and to surrender our garrisons.

There was the highest flood that ever was known in these parts at this time of the year.

Treaty. 11. Both houses thought not fit to grant a pass with blanks for the king to send into Scotland, but they advised his majesty first to send into Scotland for them to name the persons they would send hither, and then a pass to be granted to them.

Mr. Parsons had a pass to go to his majesty and to Scotland.

Instructions passed for carriages to the Isle of Wight, and things preparatory to the treaty.

A pass from major Belford to transport six horses into France.

The business of garrisoning the earl of Lincoln's house referred to the committee of Derby-house, and the committee of Lincoln to secure it.

Petition. A petition from thousands, well affected persons in and near London, giving reasons why they first assisted the parliament, and that they expected other ways from them than a treaty. They mentioned twenty-seven heads, which they expected from the parliament:

1. That they would have made good the supremacy of the people from all pretences of negative voices either in king or lords.

2. Laws for election of representatives yearly, and of course without writ or summons.

3. That their time of sitting exceed not forty or fifty days, and to have fixed a time for the ending of this parliament.

4. To have exempted matters of religion and God's worship from the compulsive or restrictive power of any authority.

5. That none be forced or pressed to serve in war.

6. To have made both kings, queens, princes, dukes, earls, lords, and all persons alike liable to every law of the land.

7. That all commoners be freed from the jurisdiction of the lords in all cases, and all trials to be of twelve sworn men, and no conviction but upon two or more sufficient known witnesses.

8. That none be examined against themselves, nor punished for doing that against which no law is provided.

9. That the proceedings in law be abbreviated, mitigated, and made certain the charge thereof in all particulars.

10. That all trade be made free from all monopolizing and engrossing by companies or otherwise.

11. That the excise and all kind of taxes, except subsidies, be taken off.

12. To have laid open all late enclosures of fens, and other commons, or to have them enclosed only or chiefly for the benefit of the poor.

13. To have considered many thousands that are ruined by per- 336
petual imprisonment for debt, and provided for their enlargement.

14. To have ordered some effectual course to keep people from begging and beggary in so fruitful a nation as by God's blessing this is.

15. To have proportioned punishments more equal to offences, that so men's lives and estates might not be forfeited upon trivial and slight occasions.

16. To have removed the tedious burden of tithes, satisfying all impropriators, and providing a more equal way of maintenance for poor ministers.

17. To have raised a stock of money out of confiscated estates, for payment of those who contributed voluntarily above their abilities, before those that disbursed out of their superfluities.

18. To have bound themselves and all future parliaments from abolishing propriety, levelling men's estates, or making all things common.

19. To have declared what the duty or business of the kingly office is, and what not; and have ascertained the revenue, past increase or diminution, that there be no more quarrels about it.

20. To have rectified the election of public officers for London, restoring the commonalty thereof to their just rights.

21. To have made reparation to all oppressed by sentences in high

commission, starchamber, and council-board, or by any monopolies or projects; and that out of the estates of those that were authors, actors, and promoters of those mischiefs; and that without much attendance.

22. To have abolished all committees, and have conveyed all businesses into the true method of the usual trials of the commonwealth.

23. Not to have followed the example of former tyrannous and superstitious parliaments in making orders, ordinances, or laws, or in appointing punishments concerning opinions or things supernatural, styling some *blasphemies*, others *heresies*.

24. To have declared what the business of the lords is, and ascertained their condition, not derogating from the liberties of other men, that so there might be an end of striving about the same.

25. To have done justice upon the capital authors and promoters of the former or late wars.

26. To have provided constant pay for the army, and to have given rules to all judges and other officers for their indemnity, and saving harmless all that have assisted them.

27. To have laid to heart the abundance of innocent blood that hath been spilt, and the infinite spoil and havock that hath been made of peaceable harmless people by express commission from the king, and to have seriously considered, whether the justice of God be likely to be satisfied, or his yet remaining wrath to be appeased, by an act of oblivion.

Answer. The house gave thanks to the petitioners for their great pains and care to the public good of the kingdom, and said they would speedily take their desires into consideration.

I have the more largely inserted this petition, because it was framed by the principal men of that persuasion, and contains the opinions of a great party in this time, and hath some desirable things in it.

Petition. Another petition was from well-affected masters and commanders of ships, showing that the parliament had done contrary to their declarations, and trade destroyed; and they petition for convoys of their ships in trading outwards and inwards, according to the order of the Hollanders.

And that all monopolies and restraint of trade may be removed, and some way taken to prevent the shipping of goods in foreign bottoms.

Revolted ships. Intelligence from the revolted ships, that some of them are

mending in Holland, that the sailors are insolent in their carriage towards the prince.

Letters from the Isle of Wight, that the king was removed to the place of treaty, and had his liberty to ride about the island.

Letters from Chester, that by a council of war there, two were condemned and executed for a plot to betray that city to the king's forces.

Letters from the north, that a hundred Scots were brought in prisoners by the country; that Cromwell was in pursuit of the enemy, and Lambert in the rear of him; that the enemy are about six thousand strong. North.

That colonel Bethel and colonel Lassels are sent to enforce the siege at Scarborough, where three hundred Walloons are landed by command of the prince; that the soldiers run away from Pontefract-castle to the parliament's party.

12. The day of public humiliation for a blessing upon the treaty.

Letters from Newcastle, that lieutenant-general Cromwell was about Durham pursuing the enemy, who in the bishopric had exceedingly plundered and terrified the people, wounding divers, taking away the children of others to get money for the redemption of them, and besides quarters they took of some 3*l.* a house. Cromwell.

That those who cried up duke Hamilton's party for the great reformers, having been thus used by them, and with civility by the parliament's party, their opinions are now altered.

That Monroe held a council of war, and resolved to march back to the coal-pits, and fire them all, but two posts came speeding to him, to have him return presently back to Scotland, for that the presbyterian ministers had got hold of the civil sword, made the marquis of Argyle general, who was four thousand strong, and too hard for the new levied forces of the lord Lanerick, brother to duke Hamilton. Scots.

That these messengers came from Crauford and Lanerick; that the Scots ministers had decreed, among other things, that in regard of the great defection to the covenant throughout Scotland, they will not administer the sacrament of the supper for one year to come.

That this saved the coal-pits, and sent the Scots the near-

est way over Tweed in such haste, that they had almost left their plunder behind them, had they not preferred it before life; and they left their confederate English to shift for themselves:

That some of lieutenant-general Cromwell's forces were gone over Tine, and major-general Lambert marched by the way of Carlisle, and many countrymen went with them to seek their goods and cattle, carried away into Scotland.

13. The grand committee sat upon the ordinance for sale of deans' and chapters' lands, and voted that 100*l.* per annum should be the least that should be allowed to any minister for his benefice.

York. Letters from the committee of York, that the treaty about Pontefract not taking effect, they desired 20,000*l.* for the soldiery, the house ordered 12,000*l.* for them.

City. Some of the former city petitioners desired that the house would reassume the consideration of every part of their
337 former petition before they proceed in the treaty with the king; but the house did nothing in it.

Captain Bethan made provost martial, with power to apprehend such as stayed in town contrary to the ordinance, and to seize upon all ballad-singers, sellers of malignant pamphlets, and to send them to the several militias, and to suppress stage-plays.

Treaty. The instructions and propositions were delivered to the commissioners in the house, and they took their leave to go to the king.

Orders for maintaining the militias in the north out of delinquents' estates there, and by other means.

Orders for money for Plymouth garrison, and for Herefordshire.

14. The houses sat not, but the committee of Derby-house and other committees sat, and letters came, that the lords and others sent for by the king were come to him, and from the north, that fifteen hundred old soldiers were joining to march with David Lesley to the marquis of Argyle.

That Monroe was despatching a guard to Edinburgh; that Cromwell alarmed the English cavaliers near to Berwick, and that the inhabitants of Carlisle petitioned the governor to let in no more soldiers, neither Scots nor English.

Ipswich. That the general was gallantly entertained by the town of

Ipswich, where Mr. Edgar made a speech to his excellency, who removed from thence to Yarmouth, who sent out three aldermen to meet him, and gave him great entertainment: they agreed to admit three troops of horse, and a company of his foot to quarter there. Fairfax.

15. Letters that the general went from Yarmouth to St. Edmond's-Bury, thence to Malden, where he viewed the remaining relics of the Roman industry.

That he viewed the fort of Mercy Island, and gave orders at Harwich for keeping the guards and manning of the works there.

That he viewed Langarfort, a place of great strength and concernment, and there and at Harwich, and other places, had a great number of ordnance discharged to salute him.

He ordered colonel Desborough to command the forces in Yarmouth; and took care not to prejudice the fishing trade there by the soldiers.

That he was highly entertained at sir John Wentworth's in Lovingland; and at Norwich, the high-sheriff of Norfolk and the mayor, aldermen, and sheriffs of the city, in their scarlet gowns, with the trained bands of horse and foot, came out of the town, and accompanied the general in thither, and highly treated him.

16. The house sat not.

Letters from the Isle of Wight, that the commissioners of the parliament for the treaty were come to Newport, where the king was with those whom he had sent for to attend him; and that there was a very fair correspondence betwixt them and the parliament's commissioners. Treaty. Isle of Wight.

Some noted the astrological predictions of Mr. Lilly to fall out very strangely according to what he had predicted, particularly concerning the danger of the king's person by a fall from his horse.

18. The houses sat not.

Letters came from lieutenant-general Cromwell, that he sent major-general Lambert with a summons to Berwick, that sir Thomas Tildesley with about fifteen hundred lay on this side Berwick, but were not suffered to come in. Cromwell.

That Monroe marched through with three thousand, and was joined with Lanerick, who had five thousand more; that Scots.

Argyle lay twelve miles from Edinburgh with about ten thousand men, and both parties were upon a treaty; that they found no bread in that country but biscuits, which they brought from Newcastle.

That colonel Ashton with the Lancashire foot is marched towards Carlisle.

Letters from Lambert's quarters of their march towards the borders, and that David Lesley, with old Leven and Argyle, are in the head of eight thousand horse and foot about Edinburgh, and have made the committee of estates to fly; that Lesley, the governor of Berwick, hath kept out of that town all, both English and Scots cavaliers, and reports that he keeps it for the parliament of England, and will deliver it up to them.

That the English cavaliers in the north swear they are bewitched, and will fight no more, and daily depart from their colours; that the parliament's army are discontented for want of pay, and many of them slain and wounded, and divers horse lost.

Pontefract. Letters from York, that the siege of Pontefract continues,

Scarborough. that the prince hath sent relief to Scarborough of men, victuals, and ammunition, whereupon the besiegers stormed the castle and took it, four of the assailants slain, and eighteen of the besieged, and an hundred and fifty prisoners taken; some Walloons, whom the soldiers took for Irishmen, were put to the sword.

A day of thanksgiving was kept at Leicester, after which the lord Grey feasted his officers, one hundred and fifty of them, and they all rejoiced for the victory against the Scots, and promised to stand together upon their first undertakings for a good peace.

Duke Hamilton. Colonel Martin went to lieutenant-general Cromwell, and the parliament's commissioners went to Ashby-de-la-Zouch, to speak with duke Hamilton, to see what he would discover to them for the good of this kingdom.

19. Letters that the parliament's commissioners for the treaty were entertained with great respect at Southampton, and met and received by colonel Hammond at the Cows with great volleys of shot and expressions of joy.

Treaty. That the king kept a fast with his company for a blessing

upon the treaty, in which the Common Prayer was exactly read with the Litany, and a particular prayer drawn by his majesty's direction and dictates.

That after sermon the commissioners went to the king, to acquaint him that they were come to treat: the king said, he was glad they were come, and desired God to perfect this blessed work, and professed he was in charity with all of them, and not willing to seek revenge against any, nor give occasion of delays.

That the commissioners presented the three bills to his majesty, for religion, the militia, and recalling his majesty's proclamations, &c., but as yet have received no answer to them.

The house approved the report of the committee of the army for recruiting all the regiments of the army, and for pay for them. And they allowed a quartermaster to each company of dragoons, and renewed the ordinance for the assessments for the army for six months longer. Army.

Referred to the committee of the army to provide clothes, shoes, and stockings, for the army, and order for pay of the two new companies in the Isle of Wight. 338

A letter from sir Edward Walker, for some more persons to be sent down to the king; the house did nothing upon it, but declared that upon a letter from the king, or from their commissioners for that purpose, the persons should be sent to his majesty.

An addition of salary to colonel Hammond, in regard of his extraordinary charges upon the treaty.

Divers compositions passed, that of Mr. Geoffery Palmer was 500*l.*

The house approved of what the committee of Colchester did in assisting the army with the Norfolk forces, and ordered a letter of thanks to the committee of Norfolk for the same.

20. A letter from the king for a safeconduct for some persons to come from Scotland to the king, and to return: the house, not knowing the persons, and whether they were capable to be admitted to come to his majesty, referred to their members who were late commissioners in Scotland, to consider of those persons, and to report their opinion to the house. Treaty.

Order for a new election.

An ordinance transmitted to the lords for repayment of 10,000*l.* lent by some citizens, for the service of the king, and the commissioners for the treaty; and several other ordinances passed for money, and for the prince elector's allowance.

Divers apprehended for counterfeiting money.

Prince Charles. Letters from Amsterdam, that prince Charles was brought to the Hague with thirty coaches, and solemnly feasted and entertained, and that he gave order for new rigging and fitting the revolted ships out of the prizes he had lately taken.

That the mariners in the revolted ships continue their insolence and debauchery, running on shore, drinking and quarrelling, that divers have been killed, and some thrown overboard.

Treaty. 21. The house denied safeconduct for the lord Carnagy, one of the persons for whom the king desired it, and for sir Alexander Gibson it was also denied, and ordered a letter to the king of the reasons of this denial.

Order for 1000*l.* to one in Colchester well-affected to the parliament, whose house was fired, and 500*l.* to another, out of delinquents' estates there.

Ireland. Letters from Ireland, that the forces of colonel Jones and of colonel Monk were marched into the enemy's country to destroy or fetch in their harvest, wherein they had advantage by the divisions of the rebels' commanders, and that colonel Jones had taken in some strongholds in Kilkenny.

Anglesey. Letters from Anglesey of the differences between the lord Bulkely and the lord Byron; that the island is in an uproar, and that colonel Mitton with a strong power is marching towards them.

22. Order for discharge of fifteen hundred firelocks, lately taken in a ship.

An ordinance transmitted to the lords for allowing the accounts of the commissioners of the excise.

Order for all who engaged in the late tumults to be put out from being justices of the peace, deputy lieutenants, or from any other employment.

Reference to a committee of the petitions of the widows who have lost their husbands in Ireland.

An ordinance for Dr. Chamberlain to have the improvement of all baths for fourteen years, committed.

Order to exclude all private business for fourteen days.

23. Order for 150*l.* for major Rolphe.

Order for money for the commissioners of the treaty.

The king desired a part of the preamble, which seems to lay the bloodshed upon him, may be respited till the end of the treaty. Treaty.

Order for a letter of thanks to the commissioners for the treaty, for their prudent managing thereof, and to acquaint them with the care of the house for their accommodation.

Two were condemned at Oxford for attempting to betray that garrison, and cast lots for their lives: it fell upon him that was least guilty, and most free in his confession; and therefore some of the assembly of divines and others mediated with the general for his pardon. Lots.

Two others were condemned, and one of them executed, for running away from their colours to the enemy at Colchester.

25. Upon a letter from the lieutenant-general, order for a fort to be built at Yarmouth.

A committee named to examine debentures, whether the soldiers were absent at the time of their debentures.

Letters from colonel Bethel and colonel Lassels of the taking of Scarborough town, and a list of the prisoners. Scarborough.

The house left it to them to dispose of the prisoners, and to examine which of them had engaged never to bear arms against the parliament, that they may be tried.

Order for an impeachment against the lord Goring, and an act of attainder against the lord Capel to be brought in.

Addition to the committee to examine duke Hamilton and the prisoners of Kent.

Order for the committee at Derby-house to give a commission to colonel Ashton to be major-general of the Lancashire brigade, and to have the pay of 40*s.* per diem, besides the pay of a colonel of horse and a colonel of foot. C. Ashton.

The relieving of the besiegers of Scarborough with ammunition approved; and as much to be restored to colonel Overton, who did it from Hull.

Major-general Browne, one of the sheriffs of London, acquainted the house with a letter he received from the king, for the reprieve of some prisoners convicted for robbers, being sons of his servant major Knight.

The house ordered them to be left to the justice of the law.

The lords ordered a stay of the sale of goods seized for the delinquency of the lord Maitland.

Assembly. The lords concurred in the ordinances for the scribes of the assembly to print the lesser Catechism, and to have the benefit of it for one year; and to the prince elector's ordinance.

Cromwell. Letters from lieutenant-general Cromwell, that the Scots denying to surrender Berwick enforced the parliament's army to pass Tweed, else they could not besiege it, nor could they pursue the enemy, who had lately made much spoil in England.

That he sent over major-general Lambert with part of the army.

That Monroe left neither corn nor cattle in Northumber-
339 land, that Cromwell sent colonel Bright and scoutmaster general Rows to the marquis of Argyle, to consult about assisting him, according to his request, those of Monroe's party being too strong for him.

Cromwell published a proclamation upon his entering of Scotland,

Declaration. That whereas the parliament's army marched thither to pursue the enemy that lately invaded England, and for the recovery of Berwick and Carlisle, he declares, that if any officer or soldier under his command shall take or demand any money, or shall violently take any horses, goods, or victuals without order, or shall abuse the people in any sort, they shall be punished according to the articles of war; this to be published at every troop and company. Signed,

CROMWELL.

Upon a meeting of the commissioners of the seal, we agreed upon the names of judges and sergeants to be presented to the house.

26. The house was called, and a hundred and fifty members were absent, and a new call ordered.

Letters from the king for some of his to go to Scotland, and from thence to come to his majesty.

Letters from the navy, that the earl of Warwick had taken an Irish ship loaden with tallow, &c.

Isle of Wight. Letters from the Isle of Wight, that the two first days of the treaty were spent in laying down the method, that nothing should be binding but what was in writing, and not that till the end of the treaty; and that his majesty had

agreed to the proposition for recalling oaths, proclamations, &c., and for the preamble thereof.

Letters from lieutenant-general Cromwell's quarters, Cromwell.

That messengers came to him from the lord Argyle and his associates, to inform him of their dislike of duke Hamilton's coming into England with his army, and of Monroe's being there with his forces, and desired Cromwell's assistance against them.

That Cromwell, by advice of his council of war, answers, that he will assist them, and with all heartiness join with them against Monroe, and desires nothing more than the subduing and rooting out of trust all loose persons, and such as are enemies to goodness and good men, and desires his letter may be kept as a testimony against him and those under him, of their hypocrisy, if they did not join with them for these ends with all cordialness.

Letters, that Monroe fell upon a party of Argyle's men when Scotland. they were in treaty, contrary to the agreement.

The lords voted the approbation of lieutenant-general Cromwell's entering into Scotland by directions from the committee of Derby-house, and that he may assist those in Scotland who dislike duke Hamilton's coming into England, if they shall desire it of him.

Divers after they were called over in the house went out of town again the same day: God forgive them for their negligence!

27. The public fast-day.

Letters from France of the troubles there, and of Mazarine, and the prince of Conde, &c.

28. The commons concurred to the votes of approving Cromwell. lieutenant-general Cromwell's entering into Scotland, and to a letter to be written to him, to prosecute his victory, and take all advantages for recovery of Berwick and Carlisle.

Letters that colonel Monk fell upon the Scots quarters in Ireland, who were drawing out under major-general Monroe to join with his nephew Monroe's forces in Scotland; that he had taken Carickfergus and Belfast, and had Monroe and all his forces prisoners.

Order for 500*l.* to be bestowed on colonel Monk, and a Monk. letter of thanks to him and his officers and soldiers, and that he be governor of Belfast, and be advised with for a

governor of Carickfergus, and the committee of Derby-house to give him a commission, and to consider of an establishment of pay for his forces.

This action and success was one of the first that brought colonel Monk into extraordinary favour with the parliament and army, who began to have more confidence in him than they had formerly since his revolt to them.

Order for a day of thanksgiving for this success in Ireland.

Letters, that the king and the commissioners in the treaty proceeded upon the proposition for settling of the church government.

Admiralty. 29. Debate of an ordinance for settling 500*l.* per annum salary upon each of the judges of the admiralty, and a proviso agreed upon, that they take no money of any persons upon any pretence whatsoever.

Order for 5000*l.* out of delinquents' estates for payment of the horseguards that attend the parliament.

Upon petition of the commissioners of the excise, all the members of the house were added to the committee of excise, and ordered in their several counties to endeavour the removal of all obstructions in that receipt.

Vote. Both houses passed a declaratory vote, that nothing should be binding between the king and parliament till all were concluded in the treaty.

Major Miles Corbet, a member of the house, being assaulted and wounded by some cavaliers as he passed in a boat upon the Thames, the sergeant-at-arms was ordered to apprehend the malefactors.

Liberty given for major Ashburnham to return into England to prosecute his composition.

30. Debate of an ordinance for raising 100,000*l.* for pay of arrears of reduced officers.

Admiralty. The officers of the committee of Haberdashers'-hall coming to seize the goods of the earl of Lauderdale, who came with the late Scots army to invade England, found a file of musketeers as a guard to oppose them: the house ordered the militia of London to secure those guards, and to give an account to the house of the business.

The lord admiral offered indemnity to the revolted ships, and the prince offered the like indemnity to the lord admiral.

A member of the house coming out of the city was as-

saulted by three cavaliers, but he and a friend with him repulsed the assaulters.

Colonel Rainsborough and a captain with him, upon the highway near London, were assaulted by three others of the king's party, who, after a little bickering, ran away: a captain of the army and a major were in the like manner assaulted in London, and both killed. Assaults.

It was dangerous for any member of the house or of the army to walk without company, for fear of being assassinated; and the committee of Derby-house were informed, that a certain number of the king's party had combined to massacre eighty members of the house of commons, whom they sus- 340
pected averse to their hopes.

A petition in the name of many thousands of Oxfordshire, agreeing with the large petition of the city, against the treaty. Petition.

Letters from the head-quarters of great want of pay for the soldiers, which forced them to take free quarter, and that it was to be feared neither the country nor the soldiery would long undergo it.

That letters came to the general out of Scotland of the good correspondence betwixt licutenant-general Cromwell and Argyle.

Letters came to the general from good hands, and others from France, of a design of the cavaliers to stab him.

October 1648.

2. A letter from his majesty by captain Titus:

That he will consent to confirm by act of parliament the sitting of the assembly of divines, and the Directory of worship for three years, and the form of church-government, provided that the king and those of his judgment, who cannot submit to it, be not obliged to comply. Letter from the king.

That a free consultation and debate with the assembly be had in the mean time, twenty of his majesty's nomination being added to them, whereby it may be determined, how church-government and the form of public worship shall be after that time, and how religion may be settled, and the articles determined, and care taken for the ease of tender consciences.

Concerning the bishops' lands and revenues, his majesty will consent to acts of parliament, whereby legal estates for lives, or for ninety-nine years, shall be made of those lands, towards satisfaction of purchasers or others to whom they are engaged, or his majesty will order some other way for their further satisfaction, providing

that the propriety and inheritance of those lands may still remain to the church.

That his majesty will consent to acts for the better observation of the Lord's day, for suppressing innovations in God's worship, and for the advancing of preaching.

And to acts against pluralities and non-residences, for regulating the universities and colleges, for the better discovery and conviction of popish recusants, and education of their children in the protestant religion, for levying of penalties against papists and their practices against the state, and for putting the laws in execution, and for a stricter course to prevent hearing and saying of mass.

As to the covenant, his majesty was not then satisfied that he could sign or swear it, or consent to impose it on the consciences of others, nor did he conceive it proper or useful at that time to be insisted upon.

As to the militia, his majesty will consent to an act to have it in the hands of the parliament for ten years.

Touching Ireland, after advice with his two houses, his majesty will leave it to their determination.

Touching public debts, he will consent to raising moneys by equal taxes.

Lastly, he proposeth to have liberty to come forthwith to Westminster, and be restored to a condition of freedom and safety, and to the possession of his lands and revenues; and that an act of oblivion and indemnity may pass, to extend to all persons for all matters relating to the late unhappy differences; which being agreed by his two houses, his majesty will be ready to make these his concessions binding, by giving them the force of laws by his royal assent.

More than this could not be obtained from his majesty, though most earnestly begged of him by some of the commissioners (great persons) with tears, and on their knees; particularly as to the proposition touching religion. But the prelatical party about him, for their particular interest, and power to persecute others, prevailed with him rather to hazard his crown and life, than to diminish their greatness and power.

Chaplains. Wherein the church-government and public worship, and chiefly the revenues of the church, swayed more with the king's chaplains then about him, and they more with his majesty, (continually whispering matter of conscience to him,) than the parliament and all their commissioners could prevail with him for an agreement, though possibly his own

judgment (which was above all theirs) might not be so fully convinced by his eager divines about him.

After a long debate upon this message, the house voted it unsatisfactory; and a letter of thanks to be written to the commissioners, approving what they had done, and requiring them to proceed according to their instructions. Vote.

Letters from colonel Monk of his late success in Ireland.

The house ordered major-general Monroe to be committed to the fleet, for joining with the enemy in Scotland, and perfidiously breaking the trust reposed in him. Monroe.

Letters from Anglesey of the taking it by major-general Mitton by storm, and that the lord Byron and lord Bulkeley were escaped by flight.

A petition from Leicestershire to the same effect, with the large petition of London and that from Oxfordshire, against the treaty. Petition.

Letters from Cromwell's quarters in Scotland, near Edinburgh, that he and his officers are careful that the soldiers give no offence to the inhabitants by plunder or any incivility; that Cromwell caused horses taken from the Scots by some of his soldiers to be restored, and the plunderers to be cashiered. Cromwell.

A lieutenant who connived at the plunder was committed to the marshal, and the colonel himself taken from the head of his regiment, and suspended the execution of his place till he were tried by a council of war, and the regiment sent back again: and this impartial justice pleased the Scots.

That Argyle and his party endeavoured to persuade the surrender of Berwick to Cromwell, to whose quarters they sent their commissioners to this end. That Leven certified Argyle, that both his army and that under Lanerick were likely to agree.

Letters from Cockermouth, that it was still besieged by five hundred countrymen, that they mined near the wall, and the governor, lieutenant Bird, sallied out, killed and took all that were at work, brought away their tools, and burned the barn that sheltered them; that Cromwell had ordered forces to relieve the castle.

Argyle took at Leith a ship with ten thousand arms from Denmark, designed for duke Hamilton.

Cromwell sent some horse and dragoons to pursue some of

duke Hamilton's officers, who were got together in the Cheviot hills.

3. All the day was spent upon the business of the militia, for settling it, and upon the question, it was carried in the affirmative for it.

4. Letters from the general, that he received many com-
341 plaints of the insupportable burden people lie under by his soldiers taking of free quarter upon them, though they pay their assessments, and have been always well-affected to the parliament.

He desires a speedy course may be taken for payment of the army, that thereby his soldiers may be enabled to pay their quarters, and the people may not be oppressed by free quarter any more.

Free quarter. Order, that four members of the house do go down to the general, to take notice of his good service, to congratulate his good success, to return him the thanks of the house, and to acquaint him with what they had done upon his letter for bringing in of moneys for the army, that free quarter might be taken off.

They presently sent a message to the lords, desiring them to pass the ordinance, which had many days remained with them, for bringing in the assessments for the army; their not passing whereof occasioned the taking of free quarter.

Order, that the general be desired so to quarter the army as may be least burdensome to the several counties, especially to such as have paid their assessments.

Scotland. Letters from the north, that all things were agreed between the several parties in Scotland; all are to lay down arms, Berwick and Carlisle to be surrendered to lieutenant-general Cromwell, a parliament to be called in Scotland, and none to be of it that were in the engagement against England.

Monk. The lords concurred with the commons for 500*l.* to be given to colonel Monk, and to make him governor of Carickfergus; and for 200*l.* to major Brough, who brought major-general Monroe to London.

The lord Inchequin's son sent into Ireland to be exchanged.

Order for 1000*l.* for coals for the poor of London and Southwark, according to a grant of king James.

Order for the commissioners of the seal to bring in a list of names for judges to fill all the benches.

Referred to the committee at Derby-house to consider of the supernumerary soldiers.

5. Debate touching the navy, and for a winter guard, for which they ordered two thousand seven hundred eighty-five men, and the committee of the navy to provide victuals, &c., and 50,000*l.* ordered for them.

Several orders for raising moneys for the use of the navy.

6. Letters from the lord Goring and lord Capel, that they took notice of an order of the house of commons for impeaching them of high treason, and inform that quarter was given them by the general, who had writ to the house to that purpose; order, that the general explain his letter as to this point. Goring. Capel.

Order for 600*l.* for disbanding the new raised forces in Dorsetshire.

Upon a petition of the clothiers of Kent, referred to a committee to consider of the decay of trade in general, and to propound remedies. Petition.

Debate about the ordinance for sale of deans' and chapters' lands.

7. Report of the arrears of the assessment to the army to be 314,351*l.*, of which 50,000*l.* were in arrear in London.

Order, that the collectors who had not brought in the arrears should be taken into custody; and that the members of the house write to the committees of the several counties.

Letters from lieutenant-general Cromwell of the surrender of Berwick and Carlisle to him. The house approved what he had done, and ordered the pay of the forces there; 100*l.* given to the messenger. Berwick and Carlisle.

Letters from the Isle of Wight, that the king gave a paper of reasons to the parliament's commissioners why he could not condescend to take away bishops and government by bishops, which he conceived to be of apostolical institution, and alleged several scriptures to that purpose. Isle of Wight.

He also propounded some queries concerning presbyterian government, wherein he desired to be satisfied; the commissioners referred it to Mr. Marshall, Mr. Vines, Mr. Caryll, and Mr. Seaman, who were with them, to draw up an answer for satisfaction of his majesty.

9. Debate of an ordinance for 100,000*l.* for paying the arrears of reduced officers and soldiers: and,

Reduced officers. Upon information that they were coming to London from all parts of the kingdom, order for a declaration to give them notice that the house is passing an ordinance for satisfaction of their arrears, and that their coming up to London will hinder the great business of the kingdom, and to forbid their coming up upon that or any other pretence whatsoever.

Order to admit colonel Butler to his composition upon Pembroke's articles.

The lords' house being called, there were about thirty lords with them.

Isle of Wight. Letters from the Isle of Wight, that his majesty gave in to the commissioners his objections touching the alteration of church-government; and the ministers then, with the parliament's commissioners, gave in a paper for answer and satisfaction to the king's scruples; and as to the objection that Sacrilege. the sale of bishops' lands was sacrilege, the commissioners said, it lay so much in the laws of the land, that the ministers could not judge of it.

Liturgy. That in their debate touching the liturgy, the king asked what fault they found in the Common Prayer Book; to which was replied, that the liturgy was taken out of the mass-book, only spoiled in the translation; and that king James had so considered it. The king said, that if it were good in itself, that did not make it ill: that his majesty offered a limited episcopacy.

Letters from lieutenant-general Cromwell of the particulars of the rendering of Berwick and Carlisle to the parliament; and desiring that sir Arthur Haselrigge may supply Berwick, being so considerable a place, with guns and ammunition from Newcastle.

Scotland. That both parties in Scotland were agreed to disband all forces, except fifteen hundred horse and foot under general Leven, to be kept to see all remaining forces disbanded; that he had some things to desire from the committee of estates in Scotland for the service of the parliament of England, for which purpose he was himself going to them.

The chancellor of Scotland, by command of the committee of estates of Scotland, writ a letter to lieutenant-general Cromwell, giving him thanks for the many civilities and kind respect he had showed to that kingdom; and that they had sent commissioners to him, to acquaint him with the agree-

ment betwixt them in arms in Scotland, wherein they had been careful to avoid any thing that might give offence to the parliament of England.

They acknowledge advantage hath come to them by the near distance of the English forces, in preventing new trou- 342
bles; whereof they shall be always mindful, and endeavour to preserve the union and a good correspondence betwixt the two kingdoms.

10. A petition from Newcastle, desiring that before the treaty be ended impartial and speedy justice may be executed upon the incendiaries, fomenters, and actors in the first and second war. Petitions.

Another from York and from Hull, that the treacherous and implacable enemies may be destroyed, and exemplary justice done upon them, without partiality or delay, and their estates to go towards discharging arrears and public debts.

Another petition to the same purpose; but all laid aside by the house.

11. Letters from the commissioners in the Isle of Wight, Isle of Wight.

That his majesty had consented to the settling of the militia by sea and land as in the proposition; and that he will consent to an act of parliament to confirm for three years the form of church-government, and Directory for worship, presented to him;

But that he is not satisfied in his conscience, or can be content to the utter abolishing of episcopacy, the substance whereof he conceives to consist in the power of ordination and jurisdiction, as they were exercised by the apostles themselves, and others by authority derived from them, superior to presbyters and deacons in the primitive times.

His majesty's resolution being to comply with his two houses for the alteration and regulating of his present hierarchy and government, so as episcopacy, reduced to the primitive usage, may be settled and continued in the church; and if his two houses shall so advise, his majesty will be content to lessen the extent and multiply the number of the dioceses.

That he will consent to the sitting of the assembly of divines, as formerly he offered, and to confirm the public use of the Directory; and will consent to the repeal of so much of all statutes as only concern the Book of Common Prayer and taking the same away out of all churches, provided that the use of it be continued to his majesty.

That he will consent to an act for the better observation of the Lord's day, and to prevent saying of mass.

That he was not satisfied to take the covenant, or to impose it upon others, and conceives his two houses will not insist upon it, and the rather because the ends of it will be obtained by the agreement, if happily concluded.

Vote. Upon debate of this paper from his majesty, whether, as concerning matter of religion, it was satisfactory or not, it was voted in the negative; and a letter ordered to be writ to the commissioners to proceed in the treaty according to their instructions, and that till the proposition for religion were signed, they should not proceed to the debate of any of the new; and that notice should be taken of the extraordinary wise management of this treaty by the commissioners.

An ordinance transmitted to the lords for 5000*l.* for pay of the horseguards attending the parliament.

Orders touching money and provisions for the fleet.

12. Upon a report from the commissioners of the seal, the house ordered, that there should be a new call of sergeants-at-law; and voted to be sergeants,

Sergeants-at-law. Out of Gray's Inn, sir Thomas Widdrington, sir Thomas Beddingfield, Mr. Keble, Mr. Thorpe, and Mr. Bradshaw;

Out of Lincoln's Inn, Mr. Solicitor, Mr. Samuel Browne, Mr. Recorder Glyn, and Mr. Earle;

Out of the Middle Temple, myself, Mr. Coniers, and Mr. Puleston;

Out of the Inner Temple, Mr. Chapman, Mr. Gates, and Mr. William Littleton.

Judges. Order, that sergeant Rolles should be made lord chief justice of the king's bench; that sergeant Jermyn and Mr. Samuel Browne should be made justices of the same court:

That Mr. Solicitor should be chief justice of the common-pleas; sir Thomas Bedingfield and Mr. Sergeant Creswell should be justices of that court:

That sergeant Wilde should be lord chief baron of the exchequer, and Mr. Gates a baron of the exchequer:

That Mr. Whitelocke should be attorney-general of the duchy, and one of the king's sergeants; that Mr. Prideaux should be solicitor-general, and sir Thomas Widdrington one of the king's sergeants.

The house approved of all those whom the commissioners of the seal named to be judges and sergeants, except Mr. Hatton of the Middle Temple, upon whom the question was not put.

I earnestly desired to have been excused from being king's sergeant, but could not prevail, but was voted with sir Thomas Widdrington to be king's sergeants; and in the debate, upon the occasion of mentioning my name, the house, and many particular members of it, did express much favour and respect to me; their compliments were too high to be remembered by me.

13. Vote, that leases renewed with deans and chapters since a day past should be void.

An ordinance passed by the commons for abolishing deans and chapters, &c.

An ordinance passed both houses for the governor of Dover-castle to be lieutenant of it.

Vote for a charge to be prepared against Mr. Doucet.

The declaration prohibiting the soldiery from repairing to London, upon pretence of having their arrears, was passed, and ordered to be printed and published, and sent to the several sheriffs to be proclaimed.

Letters from the Isle of Wight, that the king had consented, Isle of Wight.

1. That an act of parliament be passed to make void the cessation, and all treaties and conclusions of peace with the rebels in Ireland, without the consent of both houses of parliament; and the prosecution of the war there to be left to the two houses, and the king to assist them, and do no act to hinder or disturb them.

2. The reformation of religion in Ireland to be settled by the parliament of England.

3. The chief governors and officers in Ireland to be nominated by the parliament of England.

This to be for twenty years, from July 1, 1648.

14. Voted for the lord admiral to continue at Goree, in order to the reducing of the revolted ships; and orders for the committee of the navy to make provisions, and take care for money for the fleet.

16. Upon a petition of the common-council of London for a supply of ministers in the city, and for an allowance to Petition.

them out of deans' and chapters' lands, referred to a committee to consider thereof; and of the want of a good ministry in other parts of the kingdom.

Order, that those who took a bark at Rye, of the king's party, should have the benefit of it.

Debate about satisfying of a debt out of sir John Stowell's estate to sir Henry Holcroft, but not allowed; and an order for trial of sir John Stowell.

343 Appleby. Letters, that lieutenant-general Ashton relieved Cockermouth and pursued the enemy to Appleby, which was rendered to the parliament; and taken in it, five knights, twenty-five colonels, nine lieutenant-colonels, six majors, forty-six captains, seventeen lieutenants, ten cornets, three ensigns, five pieces, one thousand two hundred horse, one thousand arms, and all their bag and baggage.

Cromwell. Letters, that lieutenant-general Cromwell was received with great ceremony at Edinburgh, where he demanded that none who had been in action in the late wicked engagement and invasion might henceforward be employed in any public place of trust, to which the committee of estates there gave a satisfactory answer.

He had also visits and conferences with commissioners from the kirk, and from the provost and magistrates of Edinburgh, and a strong guard of soldiers at his lodging. At the time of his being at Edinburgh, several other demands were made by him to the committee of estates, who gave him very fair answer, and he reserved liberty for the parliament of England to make such further demands as they should think requisite.

The charges of lieutenant-general Cromwell's entertainment, and of all his company, during the time of their being at Edinburgh, were defrayed by the lord provost of the city, by order of the committee of estates; and Cromwell, Haselrigge, and the rest of their company were entertained by general Leven, the lord Argyle, and many other lords, at a sumptuous banquet in the castle.

At their going away, the castle saluted them with many great guns, and volleys of small shot, and divers lords convoyed them out of the city.

That in Edinburgh was a proclamation for all malignants to depart the city, and not remain within six miles of it.

17. The house voted to adjourn for six days, but the lords dissenting, they recalled their vote.

Upon letters from colonel Ashton of the surrender of Appleby-castle, referred to the committee of the north, what to do with the castle, and how to secure the arms, ordnance, and ammunition there, in Lancaster-castle, and gave 30*l.* to the messenger.

Letters from lieutenant-general Cromwell of his proceedings in Scotland and his return to Carlisle; the house approved of it, and ordered a letter of thanks to be written to him.

The commons voted sir William Parsons and sir John Temple to be commissioners for the great seal of Ireland, and dissented from the lords, who voted to have a chancellor there. Ireland.

Letters from the Isle of Wight, that the king had assented to all the propositions, except that of the church, with some qualifications. Isle of Wight.

That an act be passed for raising moneys to pay the public debts; and if the king assent not to it, that then, if it pass both houses, it shall be valid in law.

That by act of parliament, all peers made since the lord Littleton carried away, or that the great seal was carried away to Oxford, May 10, 1642, and who shall hereafter be made, shall not sit or vote in parliament without the consent of both houses; and that all honours and titles conferred on any since May 20, 1642, shall be void.

Letters from the Hague, that the prince with the revolted ships is still in Goree road, his seamen discontented. That the lord Culpepper was sent to them with money, and they said they might thank the earl of Warwick for it, that the lord Culpepper was accused for betraying the secrets of the prince to the parliament; and that the lord Piercy was committed for giving the lie in the prince's presence.

Letters that the lord of Ormond was landed at Wexford in Ireland, and brought with him four thousand arms, and five hundred cuirassiers, part of the supply designed for the Scots. That the English army were in great want of pay and provisions.

I made application to the lords not to be the king's ser-

geant nor attorney of the duchy, and I moved sir Gilbert Gerrard, the chancellor of the duchy, to make Mr. Hall attorney.

Army. 18. Letters from the lord general Fairfax, intimating the proceedings of the army, and that several petitions were promoting among the soldiery, of the difficulties they had undergone in subduing their enemies, and received little pay, though taxes were generally paid, desiring that the army may be divided into the counties proportionable to the tax they pay, and that their arrears may be thought of.

The house, after a long debate, voted that the desires of the soldiery be forthwith satisfied, and that speedy care be taken for settling of their arrears.

Petitions. Several other petitions were presented to the general from the officers and soldiers of the army; one from commissary-general Ireton's regiment was to this effect:

1. That there may be a strict scrutiny for discovery of the contrivers or encouragers of the late rebellion and second war, and justice done upon them.

2. And upon all criminal persons, especially obstructers of justice, and such as have betrayed their trust, or been authors of shedding the innocent blood.

3. That the same fault may have the same punishment in the person of king or lord as in the person of the poorest commoner.

4. That all may be proceeded against as traitors who act or speak in the king's behalf, till he shall be acquitted of the guilt of shedding innocent blood.

5. For their pay, and for proceedings against those that withhold it, and for their arrears.

6. That the intolerable oppression of free quarter may be immediately taken off. And about the establishment of their pay in the counties.

7. They declare that they shall constantly endeavour to defend magistracy and property with their lives and fortunes.

This was a subtle petition, and the beginning of the design against the king's person, but not discerned till afterwards.

An ordinance passed for maintaining a troop of horse in Surrey, out of the sequestrations of that country.

Orders for bringing in the arrears of the assessment for the army.

Sir Charles Kemish was committed.

Letters from the commissioners of the treaty with papers of their transactions.

Order for disbanding the supernumerary forces in Lancashire.

The lords' house passed all the judges and sergeants, except sergeant Wilde to be chief baron, and sergeant Rolle to be chief justice of the king's bench.

They also advised as to the voting of sir Thomas Widdrington and me to be the king's sergeants, and my being attorney of the duchy.

19. The papers from the Isle of Wight were touching delinquents. Isle of Wight.

His majesty consented, that all who have any hand in plotting, designing, or assisting the rebellion in Ireland, shall expect no pardon. 344

That all other delinquents in the first branch of that proposition may moderately compound for their estates; that such of them as the two houses will insist on shall not be admitted to his council, and shall be restrained from coming to the court, at such distance as the houses shall think fit, and shall not have any office of employment in the commonwealth, without consent of both houses, or shall absent themselves for some time out of the kingdom.

That all other delinquents shall submit to a moderate composition, and for three years not to serve as members or assistants in either house, without the consent of both houses of parliament.

His majesty's propositions (which the commissioners of the parliament were not authorized to receive) were,

1. That he might be put into a condition of freedom, honour, and safety. Propositions.

2. To be restored to his lands and revenues.

3. That he may have composition for the court of wards, and such of his revenues as he shall part with.

4. That there may be an act of oblivion and indemnity.

Mr. Vines gave in a paper in answer to his majesty's, to satisfy his conscience touching bishops. Mr. Vines.

Upon these and other papers from their commissioners they had a very long and quick debate.

Vote that the Lord's days, and fast-days, during the time Vote.

of this treaty, shall be accounted no part of the twenty days allowed for it, by which a week's time longer was gained for the treaty.

The house resolved into a grand committee to debate the ordinance for payment of the reduced officers.

The lords' concurrence desired to an ordinance for payment of 4800*l.* to Mr. Pecke in respect of his losses.

20. The merchant adventurers' company had the thanks of the house for engaging for 10,000*l.* for the service of the navy.

Sir Henry Cholmly. Letters from sir Henry Cholmly, complaining that the general had given commission to colonel Rainsborough to command in chief the forces before Pontefract-castle; whereas he had a commission before, from the committee of the militia of Yorkshire, to be commander-in-chief of them, and that the disparagement was great to him, and desires an order in it.

The house referred the letter and the whole business to the general to settle it, and to preserve the honour of sir Henry Cholmly, and to take care that the business be carried on against the enemy.

One hundred pounds bestowed upon captain Wolfe, and 20*l.* upon Mr. Noble who brought the news of the surrender of Carlisle.

Debate about an ordinance for doctor Bastwick, and about the last message from the king.

Free quarter. 21. Debate touching means wholly to take off free quarter, and ordered that the members be employed to use their best endeavours to bring in the arrears of the assessments, as a means to take off free quarter; and some were sent down to the general to confer and advise with him how the forces may be reduced to the establishment and paid, and to advise with such officers as the general shall appoint about these matters.

Colonel King of Lincolnshire sent for, to answer before the committee of the army to a charge against him touching the army.

The commissioners of the seal met with the judges to confer together about the business of the new sergeants, for sending forth the writs to them, and other matters for ordering of that business.

I stayed all the afternoon in Mr. Selden's study, where I had the free use of his books, and his directions to me in my studies.

23. Vote to disband all the supernumerary forces in the several counties, and the committees to pay them their arrears; and the general ordered to slight Bridgwater, Bath, and Dunstar, or to man them.

Sir Peter Killegrew brought a message from the Isle of Wight, of his majesty's further concessions touching episcopacy: Isle of Wight

1. He consented to the abolishing of archbishops, chancellors, deans and chapters, &c. and the whole hierarchy, save bishops.

2. To confirm the form of church-government for three years, and no other to be used, and the exercise of episcopal government to be wholly suspended during that time.

3. That none shall be exercised after that time, other than ordination, (restrained to the council and assistance of presbyters,) but such and in such manner as shall be agreed by his majesty and his two houses; whereby, until such agreement (or if it be not otherwise agreed) episcopal jurisdiction is wholly laid aside.

His majesty also consented to the nomination of great officers, to be by both houses for ten years.

2. To the proposition concerning the city of London, as is desired.

3. To that concerning the great seal, as is desired.

4. To that concerning the court of wards, a recompense being assured to his majesty, his heirs and successors, of 100,000*l.* per annum.

The general explained his former letter concerning the quarter given to the lord Goring and lord Capel, that it did not extend to any other but the military power, and that they were notwithstanding liable to trial and judgment by the civil power; otherwise any who was treacherous, or had revolted, might get quarter from a private soldier, and so not be further questionable; with divers other reasons given by him to the same purpose. Lord Goring and lord Capel.

Letters from Scotland, that Mr. Parsons, sent to them from the king, had complaints of the miseries suffered by the late engagement; that they refer the king to their agreement with Lanerick, and their declaration, and beseech him at last to hearken to the advice of his parliament in consenting to the propositions of both kingdoms. Scotland.

Especially to those concerning the covenant, and reformation of religion, which they understand to be the point he sticks most at, and they in honour and interest are most obliged to stick to; and without which (they tell him) his kingdom cannot be established in righteousness.

That they have also writ to the prince, dehorting him from that course of opposition he is now in, and from attempting any act of hostility against that kingdom; and since all worldly policy and projects have failed, that he would apply his endeavours to mediate with his father to consent to the propositions of both kingdoms, and especially the covenant.

Letters from major-general Lambert's quarters, that divers of his men were set upon, as they passed up and down, by some of the Scots, and many injuries offered to the English; that six of his regiment with quartermaster Diamond, were set upon by fourteen of the Scots, and fought with them about a quarter of an hour, left three of the Scots sprawling upon the ground, and wounded most of the rest, routed them, and came off without any hurt, only one of the English had a cut of his hand.

That the committee of estates, taking notice of these things, have endeavoured to prevent the like for the future, and to give satisfaction for what is past.

The lords consented to the sergeants that were named, and the commons also: the speaker moved that I might be suspended from being a sergeant at present, in regard of swearing the rest, which was likely to fall to my share; but this was opposed until I spake, and shewed them the necessity that either sir Thomas Widdrington or I must make the speech to the rest of the sergeants and swear them, which we could not do if both of us were to be sworn, and that upon conference together I was persuaded to take that trouble upon myself, and to have my swearing suspended if they pleased: nevertheless, the house, in favour to me, would not wholly excuse me, but voted that I should not be sworn a sergeant till further order; whereof I was well content at present.

The house passed Mr. Hatton to be sergeant.

24. Order for 500*l.* for sir Anthony Welden, in satisfaction of his losses by the Kentish rebels, against whom he was very active.

Upon the general's answer to the parliament's letter touching sir Henry Cholmly, the question was, whether he should be subject to the commands of the general or of the parliament only; and voted that he should be subject to the general. Sir Henry Cholmly.

Orders for disbanding supernumerary forces in several counties not of the army.

Debate about ordinances for Dr. Bastwick, Mr. Burton, and Mr. Pryn, to have reparations for the illegal sentences against them in the starchamber.

Both houses agreed upon seven persons to be exempted from pardon; viz. the lord Digby, lord Cottington, sir Robert Heath, sir Francis Doddington, sir George Ratcliffe, sir Richard Greenville, and sir Charles Dalison. Exempted from pardon.

Several compositions passed.

Letters from Newcastle, that Cromwell, Haselrigge, and the committee ordered the slighting of several northern garrisons; that the army coming thither was entertained with great guns and ringing of bells and feasting. Newcastle.

That sir John Chiesely and others were posting up to London, to declare that kingdom's dislike of their late army's invading England, and to desire a fair correspondency.

Letters of a design to betray Pendennis-castle; some of the conspirators were taken, and one of them adjudged to death by sir Hardresse Waller and his council of war. Another, who was employed to corrupt the private soldiers, was not tried, but sent up to the parliament, because he was no soldier himself, but a countryman: many others of them fled.

25. The public fast-day.

26. Voted that the king's last message concerning episcopacy was unsatisfactory. And a committee appointed to draw up the particulars wherein it was unsatisfactory, that his majesty might have the same in writing. Vote.

An ordinance transmitted to the lords for payment of tithes to the ministry.

Letters from the committee of estates in Scotland, desiring a fair correspondency and brotherly union between the two nations, and that sir John Chiesely was intrusted to deliver by word of mouth other particulars of their desires; referred to the committee of Derby-house to impart further particulars to them. Scotland.

Order that the letter be communicated to the lords and sir John Chiesely.

Order for five thousand suits of clothes for Cromwell's soldiers.

The lords concurred that the king's paper concerning episcopacy was not satisfactory.

Votes unsatisfactory.

27. Voted that that part of the king's answer concerning the taking of the covenant is unsatisfactory.

Also that concerning the taking away of archbishops, bishops, deans, &c.

Also that concerning the abolishing of popery, in desiring to have it tolerated in the queen's chapel, and for her family.

Also that for alienating of bishops' lands, and sale of deans' and chapters' lands; and many others.

A committee appointed to draw up the covenant in such a form as may be proper for his majesty to take it.

A committee ordered to consider of his majesty's concessions to any part of the propositions, and to draw them up into bills, to be tendered to his majesty.

An ordinance passed for repayment of money advanced by the merchant-adventurers for the service of the navy.

28. Letters from colonel Jones in Ireland.

Ireland.

That the marquis of Ormond was upon concluding a peace with the Irish rebels, the lord Inchequin complying, and all to join against the parliament's party there; the design hatched in England by the fomenters of the second war, and the Scots who last invaded England; and should then have broken out, and given forth to be by commission from the king. He desires the house seriously to consider of it.

Order that a message be forthwith sent to his majesty, to desire him to declare against the rebellion of Ireland, and against this truce with the rebels, and to require the marquis of Ormond to forbear joining with the rebels against the protestants.

The parliament's commissioners with the army agreed with the general and officers,

Army.

1. That in regard of the new garrisons of Berwick, and many other places, that provision may be made for three thousand foot, to be continued, more than the former establishment.

2. More officers of the train.

3. That the general give command against listing any new recruits.

4. Touching pay of the army and deduction for free quarter.

5. That the army be drawn into towns, &c.

6. That by towns is meant market towns, and the streets near to them only.

The earl of Kent, the lord Grey, and sir Thomas Widdrington dined with me, and desired to see my study, which was well furnished with good books, partly by gifts of my friends, but chiefly by my money; I gave to each of them a book of Magna Charta in old manuscript.

30. Voted that the king's message as to delinquents was unsatisfactory in all the clauses thereof; and several votes admitting of compositions at lower rates than before, and that persons excepted as to life should be admitted to composition at a full moiety of their estates, except only seven persons, which were not then named. 346 Votes.

Vote that William Powell, John Clerke, John Eltonhead, Robert Nicholas, John Parker, and Robert Bernard, esqrs., should be made sergeants at law.

Order to the committee of Norfolk about securing a ship and goods cast away upon that coast.

The lords moved that the dispute about sale of bishops' lands might be waved at present, and the rest agreed by both houses to be sent to the king; but upon reasons given by the commons, that in regard their lordships had concurred to abolish bishops, that it could not be if their lands should not be disposed of, and divers of them had been already sold upon the authority of an ordinance of both houses; the lords hereupon concurred with the commons. Bishops' lands.

Letters from York of Cromwell's coming to Newcastle with his army, and being highly treated there, and of his ordering forces for strengthening the siege of Pomfret; that the army kept a day of thanksgiving for their good success in Scotland.

That a soldier, by judgment of a council of war, was shot to death, for plundering in Scotland.

That Cromwell and his officers had a meeting with the gentlemen of the four northern counties, who agreed upon a petition to the parliament for justice against delinquents, and for a commission of oyer and terminer to be sent down to Petition. Army.

try such as they should apprehend, and for pay for one thousand two hundred foot in Berwick, and a regiment of horse under colonel Fenwick, and for eight hundred foot in Carlisle, and a regiment of horse.

Letters from St. Alban's mentioning a petition to the general from colonel Ingoldsby's regiment, reciting the hazards, charges, and victories of the army, and good people of the parliament's party.

That nothing remains to be done to make the hazards of their lives and loss of so much blood effectual, but an immediate care that justice be done upon the principal invaders of all their liberties, namely, the king and his party.

That they will live and die with the parliament in their declaration of non-addresses to the king.

That they apprehend with grief that all their harvest should end in chaff, and what was won in the field should be given away in a chamber; and they doubt the issue of the treaty will be neither just nor safe.

They pray his excellency to reestablish a general council of the army, to consider of some effectual remedies hereunto, by representing it to the house of commons as the petitioners of London and other places have done, or in such other way as his excellency and his council shall think fit.

31. Order to enjoin all the members of the house to pay their assessments to the army, equal with the rest of the subjects.

Vote. Vote that his majesty's answer concerning the church was unsatisfactory.

Letters of the lord Ormond's treating with the confederate Roman catholics in Ireland for peace.

Letters from Edinburgh of a declaration to prevent injuries or abuses to major-general Lambert's soldiers.

That lieutenant-general Cromwell and sir Arthur Haselrigge were in as high honour with the well affected party in Scotland as ever any of the English were.

Pontefract. Letters from York, that the garrison of Pontefract had killed and taken divers of the parliament's forces; that sometimes they have cessations, and drink to one another by the names of *Brother Roundhead* and *Brother Cavalier;* that the difference between sir Henry Cholmly and colonel Rains-

borough, who shall command in chief the forces before Pontefract, gives great advantage to the garrison there.

November 1648.

1. Order for the commissioners of the great seal to pass a patent of the place in the Tower formerly given to Mr. Nichols, one of the eleven members, to hold for his life.

Vote that his majesty's message concerning Ireland was unsatisfactory; the like concerning raising of moneys to pay public debts.

Order that the two Catechisms be sent to the commissioners to be presented to his majesty.

Letters from Doncaster, that forty horse sallied out of Pontefract towards Doncaster, where they killed the sentinel, then three of them rode on to Doncaster, and asked for colonel Rainsborough's quarters, and came to his chamber, there called to him, and said they had a letter from lieutenant-general Cromwell. Rainsborough killed.

That the colonel rose, and opened his door to them, (expecting such a letter that morning,) and presently the three Pontefract soldiers fell upon him, shot him into the neck, and another shot him into the heart, with other wounds, and left him dead, escaping away without any alarm given.

2. Message from the lords for adding fourteen days more to the treaty with his majesty.

Vote that the king's answer touching the court of wards was satisfactory; and that 100,000*l.* per annum should be settled on the king and his heirs, in lieu of the revenue of that court, provided it be not alienated from the crown. Vote.

Several messages from the lords in furtherance of the treaty.

Information of terrible designs on foot to kill the parliament-men, and of suspicion that the earl of Warwick would prove false to the parliament.

3. A petition of the merchants trading into France referred to the committee of the navy, to examine and report the grievances complained of by them.

Upon a message from the king, ordered that Dr. Usher, Bambridge, Prideaux, Warner, Fern, and Morley, have leave to go to his majesty for information of his conscience. Isle of Wight.

The commons concurred with the lords to add fourteen days more for the treaty with his majesty; and ordered a

committee to propound to the common-council of London the loan of 4000*l.* more for the treaty.

Referred to lieutenant-general Cromwell to take special care and strict examination concerning the murder of colonel Rainsborough.

Vote. Vote that his majesty's answer concerning his declaring against the conjunction of the lord Ormond's forces with the
347 rebels of Ireland was unsatisfactory, his majesty justifying the lord Ormond in that bloody act.

In the evening, all the sergeants, both old and new, met at Lincoln's-Inn, where the new sergeants invited the old ones to supper; they also sent for me, and I supped with them.

They consulted about their business, and all the new sergeants resolved that Mr. Solicitor St. John should have the place and antiquity before all the new sergeants, sir Thomas Widdrington the second place, and I the third place in antiquity, and the rest in their order.

At which sir Thomas Widdrington and I were not well pleased, we being the commissioners of the seal; but the new sergeants having done it to gratify Mr. Solicitor, who was in great favour with the parliament, we held it best to let it pass without taking any notice of it.

Isle of Wight. 4. Vote of both houses, that any three of the commissioners with his majesty, one lord and two commoners, might continue upon the business of the treaty, and the rest return if they pleased to London.

Debate about guarding of the parliament, being in great danger by reason of the malignant party flocking up to London, upon some design at the breach of the treaty, and most of them armed with daggers and pistols in their pockets.

A committee appointed to confer with the common-council of London concerning the security of the parliament and kingdom, and to report with speed.

5. The streets were full of bonfires, this being the gunpowder treason day.

Excepted from pardon. 6. The commons concurred with the lords, that the number of the persons to be excepted from pardon should be seven; and voted three of those seven to be the lord Digby, the earl of Newcastle, and sir Marmaduke Langdale.

Letters from the gentlemen of the four northern counties, that upon conference with lieutenant-general Cromwell it was held necessary to have twelve hundred foot in Berwick, and six hundred foot in Carlisle, and two regiments of horse, six hundred in a regiment, to suppress any insurrection and the moss-troopers. Northern counties.

They desire, in regard of the great sufferings of those counties, that these forces may be maintained at the general charge of the kingdom, these being frontier garrisons; and those counties will be willing to pay their proportions.

With these letters came a petition, Petition.

Complaining of the want of bread in those counties; that many gentlemen of quality and their families had no other drink but water; of imprisoning their persons, dispeopling their towns, destroying their corn and goods, killing their neighbours and countrymen, driving away their cattle, compelling all betwixt the age of sixty and sixteen to bear arms against the parliament:

Of bringing into this kingdom a foreign nation, and delivering into the Scots hands the two considerable places of Berwick and Carlisle; that many of the actors in that horrid design are returned to their homes to plot new treasons.

They press for justice against those delinquents, and a commission of oyer and terminer to be sent down for trial of them.

The house passed no vote upon this letter and petition.

Letters from St. Alban's of a day appointed for the meeting of the officers of the army, and that the cry of free quarter was so great in the ears of the soldiers, that it was to be feared it would occasion some distemper among them. Army.

By this petition and by these letters you may take notice of the miserable effects of civil war, and of the condition of even the victors, to be continued full of fears and dangers to themselves, which cannot be too often remembered.

A complaint came against the ill management of the siege before Pontefract by sir Henry Cholmly; and lieutenant-general Cromwell was come thither.

7. Orders touching the winter guard of ships.

Vote, that sir Richard Greenville, judge Jenkins, sir Francis Doddington, and sir John Winter should be the rest of the seven persons excepted from pardon. Excepted from pardon.

Lambert. Letters that major-general Lambert with three regiments of horse were still in Scotland, and that the well-affected there could not act securely without them; that they quarter upon the contrary party.

Letters from the Hague, that the prince was there sick of the smallpox, and that his seamen were much discontented; that the lord Willoughby and sir William Batten had left him.

8. Upon letters from colonel Welden, governor of Plymouth, orders for pay for that garrison.

The consideration of the garrisons of Berwick and Carlisle referred to the committee of Derby-house, and orders for money for disbanding supernumerary forces.

Pardon. Vote, that no more than seven persons should be excepted from pardon.

An ordinance passed both houses for pay of their guards.

Isle of Wight. Several lords and commons came from the treaty, the earl of Northumberland, Mr. Pierpoint, and Mr. Hollis stayed behind; divers also of the king's people came away.

His majesty made a further condescension touching the church, but did stick at the word *bishop*, yet was content he should be in the condition only of a *primer presbyter*, and was not willing bishops' lands should be sold.

Ireland. Letters from Ireland of the desperate condition of that kingdom, and the distress of Dublin by the lord Ormond's joining with the rebels.

Army. Letters from St. Alban's, that the general council of the army met, and the officers expressed a great sense of the odium cast upon the army (as they suspect) by design to hinder their pay, that they might be forced to take free quarter.

9. Upon jealousy of a design to surprise the Tower, order that the committee of the Tower do advise with the lord mayor concerning the security thereof, and have power to remove and appoint what guards they please there.

Order for an ordinance to authorize the several committees in the counties to receive security of all the delinquents in the respective counties, who have not compounded, not to go above five miles from their dwellings; not to act any thing prejudicial to the parliament; and such as shall refuse this to be secured by the committees.

The commissioners, returned from the Isle of Wight, made report to the house of all their transactions in the treaty, and of the king's last concessions touching the church: Isle of Wight.

That he doth not intend to make any more bishops during three years, nor that after the three years the power of ordination should be practised in the old manner, but will consent that bishops shall not receive any into holy orders without the consent of a limited 348
number of presbyters, to be chosen in such manner as shall be agreed by his majesty and the two houses:

That his majesty purposed after the agreement, and within the three years, to have a consultation with the assembly of divines (twenty being added of his majesty's nomination) for the settlement of the church-government:

That his majesty will not insist upon any provision for continuance of the Book of Common-Prayer in his majesty's chapel, for himself and his household, but declares that he intends to use some other set form of divine service:

That he consents to acts to be passed for a further course, and more strict, to prevent the saying and hearing of mass in the court or elsewhere:

That in what he hath not consented he is not really satisfied in conscience, and hopes his two houses will not put further pressures of so tender a nature upon him.

The commissioners had the thanks of the house for their good service in the treaty, and a day set to debate upon his majesty's final answer.

Orders for relief of the maimed soldiers, and for disbanding of supernumerary forces.

10. Ordinance for repaying money advanced for the treaty.

Order for money for payment of the horseguards of the parliament.

Vote that the lords Goring, Capel, Loughborough, the earl of Holland, major-general Langherne, and sir John Owen, shall be banished out of the kingdom. Banishment.

11. Vote that his majesty's answer to the discipline of the church, and as to the continuing of bishops, is unsatisfactory: Votes.

The like concerning his laying aside the Common-Prayer for himself and his own family:

The like concerning his mentioning to have some other form of prayer in his own chapel: Isle of Wight.

The like concerning his consent to bills to prevent the saying and hearing of mass: all unsatisfactory.

Order that the commissioners do press his majesty further for his final answer to the business of the church, and inform him of these votes, and the lords' concurrence herein to be desired.

Order of both houses, that the committee, appointed to draw the king's concessions upon the whole treaty into bills, do meet for speedy despatch of that business.

13. Vote upon his majesty's propositions:

1. That a committee named do draw up something for his majesty's coming to London, and present it to the house, and instructions for the terms, his majesty being already in freedom, honour, and safety at the treaty.

2. That it be referred to a committee to consider of his majesty's desires concerning his revenues.

3. That an act of oblivion shall be presented to his majesty, to be passed with such limitations as shall be agreed on by both houses.

Excepted persons.

The lords concurred with the commons concerning the seven persons to be excepted from pardon, only instead of the earl of Newcastle and sir John Winter, they voted sir George Ratcliffe and the lord Byron to be two of the seven.

Both houses passed instructions for the commissioners of the great seal for the making of new sergeants and the judges according to the former orders of the houses.

Justice Rolles to bring in his former patent, and to receive a new commission under the great seal to be lord chief justice of the king's-bench.

Mr. Browne to have seniority of sergeant Jermyn, Browne having been a commissioner of the great seal, and the rest that were commissioners of the great seal, having had priority to plead within the bar, to be seniors, and sir Thomas Bedingfield, Mr. Recorder, &c. in order.

Army.

Letters from the general, that having had a meeting of the officers of the army, he apprehends their general sad resentment of the many pressures upon the kingdom, particularly that of free quarter, whereby they and the soldiers (who have faithfully served the parliament) are even a burden to themselves, because they are so much to the poor country.

Complaints of the great want of pay and necessaries for

the army, desires an effectual provision therein, to prevent those ill consequences which otherwise delay therein may produce.

Letters from the north,

That Lambert and his men received a dismission from the committee of estates, and were upon their march for England, and they gave him many expressions of thanks for his good service done to that kingdom. Lambert.

Lieutenant-general Cromwell sent a summons to the governor of Pontefract-castle to render it to the use of the parliament, and the governor desired to be satisfied that he had power to perform the conditions. Pontefract.

The sergeants appeared before the commissioners of the great seal in the queen's court, but we did not call them in until the house of commons had passed the order for the precedency of Mr. Browne before sir Thomas Bedingfield and Mr. Recorder; at which most of them did grumble.

14. The account of colonel Gould stated and allowed, and 4443*l.* ordered to him, and an ordinance for it transmitted to the lords.

10,000*l.* inserted into an ordinance formerly passed for 5000*l.* for the guards of the horse of the parliament.

Debate about taking of free quarter, and disbanding supernumeraries; and a question for adding 3000*l.* to the establishment of the army, in regard of the garrisons of Berwick and Carlisle, passed in the negative, which discontented the army, and was therefore thought by some to be put on the rather. Army.

The lords concurred in the banishment of the four persons voted by the commons, but in regard that three of them are peers of the house they desired that the ordinance for it might begin in their house.

A message from his majesty, that he did consent to the little Catechism with the addition of a preface; and also that the parliament dispose of all great offices for twenty years as they desire. Isle of Wight.

Letters from the earl of Warwick, and a declaration in vindication of himself and the scandal cast upon him by a false pamphlet and lying report, that he resolved to join with the prince in case the treaty took not effect. Earl of Warwick.

15. Colonel Rossiter had the thanks of the house for his good services. Vote,

Votes. 1. That his majesty's coming to London shall be with honour, freedom, and safety, so soon as the concessions of the treaty shall be agreed upon.

2. That he shall have his lands and revenues made good to him according to the laws.

3. What he shall pass away of his legal right, he shall have allowance in compensation thereof.

4. That an act of oblivion shall be presented to his majesty, &c.

349 Both houses agreed to these votes, and to send them to his majesty.

Upon letters from lieutenant-general Cromwell of the wants of his forces, referred to the committee of the army to consider of the particulars, and to supply them.

Order for two hundred and fifty barrels of powder, with match and bullet proportionable, for the forces before Pontefract and Scarborough.

The commons adhered to their vote to except the earl of Newcastle and sir John Winter from pardon.

Letters from the Hague, that prince Charles was upon recovery, that prince Rupert was made admiral, and the lord Gerrard vice-admiral; that some of the revolted ships were come in to the earl of Warwick, and those seamen that continued with the prince were disorderly.

The commissioners of the great seal went into the king's bench, where we sat in the middle, the judges on each side of us; and there we did swear the lord chief justice of that court, judge Rolles; and sir Thomas Widdrington made a very learned speech to him. From the king's bench we went to the exchequer, and sat in the court, the barons on each hand of us; and a great company both of lawyers and others thronging round about the court, there they did swear sergeant Wilde to be chief baron, and I made the speech to him, which, because it clears some mistakes concerning the antiquity of that court, I thought fit here to insert it:

Mr. Sergeant Wilde,

Speech. The lords and commons in parliament taking notice of the great inconvenience in the course of justice for want of the ancient and usual number of judges in the high courts at Westminster, whereby

is occasioned delay, and both suitors and others are the less satisfied; and being desirous and careful that justice may be administered *more majorum*, and equal right done to all men according to the custom of England; they have resolved to fill up the benches with persons of approved fidelity and affection to the public, and of piety, learning, and integrity; and having found by long experience among themselves that you, Mr. Sergeant Wilde, are a person thus qualified, and very well deserving from the commonwealth, they have thought fit to place you in one of the highest seats of judicature, and have ordained you to be lord chief baron of this court.

The freedom of this choice without seeking or other means for promotion, this public consent for your preferment, cannot but bring much satisfaction to your conscience, and encouragement to your endeavours against all burdens and difficulties which attend so great and weighty an employment.

Custom and the due solemnity of this work, and the honour of that authority by which we meet, requires something to be said upon this occasion, and the commands of my lords have cast it upon me; for which reasons, though I acknowledge my unfitness to speak upon this subject, yet I presume upon a fair and favourable interpretation.

I shall borrow a little part of your time in speaking of the antiquity of this court, and of your office in it, and of the dignity and duty of your place.

For the antiquity of this court my lord Coke in his fifth report and 9 Edw. 4. fol. 53, and other books, affirm that the four courts in Westminster-hall are of great antiquity, and that no man can tell which of them is most ancient. But if you credit Lambert in his *Archaion*, fol. 28, this court was erected here by William the Conqueror, after the pattern of his exchequer in Normandy; and for proof hereof he cites Gervasius Tilburiensis; but under correction, I find in this author a doubt made by himself, whether this court were not in the time of the English kings; and if so, it was before William the First's time. Lambert saith in the same place, that this court is of great antiquity, and the orders and customs of it not to be disobeyed; Gervase of Tilbury asserts the great antiquity and customs of it; and if you reckon the antiquity and customs (as we must) from the time of his book, which was dedicated to Henry the Second, and the author acknowledgeth that he had conference with the bishop of Winchester, who was son to the Conqueror's sister, this court must be before the conquest, or it will hardly deserve the words *great antiquity* and *customs* when Gervase of Tilbury did write, being so near the conquest; Lambert, who citeth him, also observes, that the exchequer in Normandy was the sovereign court for administration

of justice, and that it differeth not a little from the exchequer here; the less reason, under his favour, to have been a pattern for it. I find in *Rot. Normanniæ* 209 *Johan.* a writ *baronibus de scaccario in Normannia*, and the word *baron* being Saxon, not likely to be brought out of France hither, and in France this kind of court in all their parliaments is called *la chambre des finances*, as may be seen in *Pasquier Recherches*, and *Haillan*, and so it is called in Normandy at this day; the alteration being made there by Lewis XII; and if we credit him that derives the word *scaccarium* from the Saxon words *schats* for treasure, and *zecherie* an office, the word is more likely to be fetched out of England into Normandy, than the contrary.

My lord Coke, in his preface to the third report, citeth Will. de Rovill's comment upon the *grand customier* of Normandy, and it is in the beginning of it that those customs were taken out of the laws of England, about the time of Edward the Confessor, who, he saith, was *harum legum lator:* and with this agree Selden's *Duello*, fol. 22, Camden, the book *de antiquis Britanniæ legibus*, and others, who also hold that before the conquest we had escheats, tenures, reliefs, and sheriffs in England, the principal business of this court.

The *register* (the ancient book of our law) hath divers writs that were in use before the time of William I, and many of the most ancient of them are directed *Thesaurario, et baronibus de scaccario*, and the *Mirror of Justices* (which my lord Coke saith in his preface to the tenth report, was for the most part written before the conquest) speaks of this court, and of the *deux chevaliers qui soient estre appellez barons:* in this book, and in the register, and in the black book here, where there is mention of the exchequer, is also mention of the barons, the principal judges of the court.

But with this matter I have troubled you too long; what hath been said upon it was to clear a mistake touching the antiquity of this court, and for the honour of our law and of this court, and of your office in it, being so ancient as can scarce be paralleled in any other nation.

350 With the antiquity of your office there hath always gone along great dignity and honour.

Sir Roger Owen in his manuscript discourseth plentifully on this subject, and cites Prudentius, who calleth judges *the great lights of the sphere;* and Symmachus, who styles them *the better part of mankind.* Indeed in all nations and times great reverence and respect hath been deservedly given to them: we find the judges often named lords and barons in our books of law and records, as 14 Hen. 4. fol. 6, recites, that it was determined for law *in temps* monseigneur Robert Thorpe, and in the stat. 21 R. 2. cap. 12, mention is of my

lord William Rickwel, who was a puisne judge of the common-pleas; the like is in many other places in our year-books and records.

When Magna Charta was made, it seems that the barons of the exchequer and the king's justices were held for sufficient peers of barons. On this occasion we may observe (amongst many others) in the lieger-book of the abbey of Peterburgh, two notable records of fines levied, the one 29 Henry 2, before divers bishops, *et Ranulpho de Glanvill justiciario domini regis, et Richardo Thesaurar. et W° Maldunt Camerar.* and divers others, *et coram aliis baronibus ibi tum præsentibus.* And another 6 R. 1, before the archbishop of Canterbury and other bishops, *et aliis baronibus*, as justices of the common-pleas. Hoveden, p. 702, noteth of the great chancellor in Richard the First's time who was *custos regni* in the king's absence, *nihil operari voluit in regimine regni, nisi per voluntatem et consensum sociorum suorum assignatorum, et per consilium baronum scaccarii.* In these and many the like places the word *baron* cannot signify that meaning wherein it was sometimes taken, of the Saxon idiom for a free-holder, as *barones London*, the freemen of London, *barones quinque portuum*, the freemen of the cinque ports, and court *baron*, the free-suitors' court; but it must be taken in the places before cited for the name of dignity and title in this kingdom, which hath been so ancient, and was and is of so great honour and esteem amongst us.

You see what dignity and honours, and deservedly, the custom of this nation affords unto their judges; Aristotle in his Politicks, tells us that the magistrate is set above the people, but it is for the people's sake. A reverence to the person of the judge procures a reverence to the law pronounced by him; but I shall hasten to speak a few words of the duty belonging to your office, as you are the chief judge of this court, and in your circuits and other public employments in the commonwealth.

For the duty of a judge there cannot be a better direction than that council which Jethro gave to Moses for the appointing of judges, that they should be men of courage, and *men of truth, fearing God*, and *hating covetousness.*

For courage, I remember in a speech upon the like occasion with this, (of a judge whose memory I have particular cause to honour,) that the life of a judge is *militia quædam*, if not *martyrium quoddam*, in both which courage is requisite against the assaults of friends, of family, of servants, and the many importunities and temptations which he shall meet withal; and a martyr he must be in bearing the provocations, censures, scandals, and reproaches which will be cast upon every judge, one party being always displeased, and not sparing, especially in these times, to censure the judgment, be it never so up-

right. He must want no courage to resist even the highest and greatest powers. The stat. 2 Ed. 3. cap. 8. saith, *it is accorded and established, that it shall not be commanded by the great seal, nor the little seal, to disturb or delay common right; and though such commandment do come, the justices shall not therefore leave to do right in any point*; and to execute this law requireth courage.

Pursuant to this is the statute 14 Ed. 3. cap. 14, and the parliament roll, 45 Ed. n. 44, and 2 R. 2. n. 51, and all these are only declaratory of the common law, as is evident before any of these statutes, by the close roll, 7 Ed. 2. M. 15, where in a writ to the chief justice of the common-pleas the king commandeth, *quod propter aliqua mandata vobis sub magno, aut privato sigillo; they should not forbear to do right; justitiam nemini denegando, nec etiam deferendo*; and in our books, 1 Ed. 3. fol. 26, and 2 Ed. 3. fol. 3, if the king command the judges to do that which cannot be done by law, they shall not do it. According to Magna Charta, *nulli negabimus, nulli deferemus justitiam, vel rectum;* and this the words of your oath enjoin.

The old law of Edward the Confessor in Lambert, fol. 38, commands the judges to be equal to all, *nec quicquam formident, quin jus commune audacter libereque dicant.*

For this we have an excellent precedent in Matthew Paris, fol. 971. 41 H. 3, who relates that *nobiles firmius confœderati constituerunt sibi justitiarium, virum ingenuum, militem illustrem, et legum terræ peritum, Hugonem Bigod, qui officium justitiarii strenuc peragens nullatenus permittat jus regni vacillare*, this is a good example of a chief justice; and this *jus regni* is highly intrusted with every judge, and I doubt not but that yourself, who have this trust hitherto so well performed, and the rest whom the parliament shall prefer, will perform this great trust with courage, against which fear is not admitted for an excuse, for so is the petition of the commons in the parliament roll, 1 H. 4. n. 47. That the lords nor the judges be not received in time to come for their excuse to say, *that they durst not do nor say the law, or their intent for doubt of death*, because *ils sont plus tenus de raison de garder leur serment, que de doubter mort, ou aucune forfeiture*, one word comprehends all upon this subject in the first of Deuteronomy, *a judge must not fear the face of man.*

In the next place they are directed to be men of truth; for the finding out whereof there are many incidents requisite, as, first, learning.

In the parliament rolls, 17 Ed. 3, the commons petition that none may be made justices but *men of learning;* and king Alfred took great care in appointing and examining his judges, that they should be learned,

as Asser Menevensis testifies, and Bracton saith of an unlearned judge, *ex alto corruit, quia volare satagit antequam pennas assumat.* The parliament have manifested their care for the choice of learned persons to be judges; witness yourself, Mr. Sergeant, and those reverend brethren of yours whom you will find upon the benches, men able to understand and convince the subtleties of any arguments tending to obscure the truth: and thus judges ought to be qualified.

Industry is as requisite for the finding out of truth; the burden 351
of our profession grows the heavier when we are the less able to bear it; a judge is more conversant with his books, and more spent with travail and attendance upon the affairs of others in his old age, than was required of him when a young student, *Oportet judicem cuncta rimari.*

Patience is also necessary for the finding out of truth; when the judgment is clouded with passion, the truth will not be clearly discerned; the Digest directs a judge not to give *opprobriosa verba* to any in judgment; no impertinencies, importunities, clamours, nor reproaches must move him: he is to learn from the unbeseemingness and intemperances of others' passions, the better how to govern his own.

He must also be patient in allowing sufficient time both for that which is not material, as for that which is; the distinction is not easy, but by the discretion and ingenuity of council. The law of Henry I. in Lambert, 186. saith, *Ipsi co-agentes frequenter interrogandi sunt an amplius dicere velint, an inde judicari, quia multa per surreptionem eveniunt;* the words of our judgment are significant to this purpose, and show the patience of your predecessors, *visis, plenius intellectis, matura deliberatione habita, consideratum est.* This was of so high esteem among the Romans, that Cicero affirms, *Sola judicis justitia est patentia,* and surely that judge doth seldom determine justly that doth not hear patiently.

Advice is very requisite for knowing the truth; and it hath been the custom of the reverend judges in doubtful cases to have the opinion and advice of their brethren, according to that direction, 1 Ed. 3. fol. 11, where one judge tells his companion, that he should not begin a new thing until he had heard his fellows; 7 H. 6. a judge of the common pleas sent into the hall to know the opinion of the judges of the king's bench and of the barons of the exchequer in a cause then before him. In the reign of Ed. 2. and upwards, when any difficulty was, then all the judges and sages of the law determined it; and their assembly and resolution was entered in the roll. In the great case of the *Quare impedit* between the king and the prior of Worcester, concerning an appropriation, the record saith, *Ad*

quem diem, &c. examinatis, et intellectis recordo, et processu coram toto concilio, tam thesaurar. et baronibus de scaccario quam cancellar. ac etiam justitiariis de utroque banco, dicunt quod ad dominum regem pertinet præsentare, &c. *Ideo consideratum est,* &c. With this agrees H. 3. 2 Ed. 1. *coram rege in fine rotuli.* Co. Lit. 304, and several other authorities; and in cases of more difficulty it was usual to adjourn the matter into the parliament.

Impartiality is likewise necessary to have the truth prevail, that neither great men nor mean men may pervert it; nor to turn truth into falsehood, or falsehood into truth. In the Decret. of Erod. it is ordained, *hoc judex curare debet ut æqua conditione litigetur.* The like in the laws of our ancient kings, as in those of Edgar, to be found in Lambert, fol. 63. a, is commanded, *Publici juris beneficio quisque fruitur, eique ex bono (sive is dives, sive inops fuerit) jus redditur.* And in that of Alured, in Lambert 20, *Juste judicato, inopique et adversario perinde atque diviti et amico sis æquus.* Bracton hath it thus: *Ut causa viduæ ad eos libere ingrediatur, ut sint orphano et pupillo adjutores.* With these do agree frequent constitutions of H. 1, H. 3, E. 1, and other times.

As judges ought to be men of truth, so they ought to be men fearing God; which is the next and highest duty of every judge, the beginning and the end of all wisdom; he that doth not fear God will be apt to fear men, and he that fears men will never give a right judgment. In the laws of the Confessor, which are in the notes upon Eadmerus 4. 186, and in Lambert, 168, in the language of that time the words are, *Ententivement se purpensent cil qui les judgments ant a favre, que si judgment cum desirent quant ils dient, dimitte nobis debita nostra:* and indeed judges have greatest cause to fear God, whose judgments they pronounce, and before whom they must come in judgment for those judgments which they give here.

Hating covetousness is the last part of this charge to judges, where a judge is not only forbidden to be covetous, but commanded to hate covetousness.

Covetousness embraceth bribery, and bribery doth blind the eyes of the wise, and pervert judgment. How odious this was to the people of Rome appears by the oration of Piso in the senate mentioned in Tacitus; and in our nation by the great examples of justice upon the corrupt judges, as in Edward I's time, when the lord chief baron, amongst others, was ransomed at 30,000^{m}, which in our account at this day is 100,000^{l}; and the case of Thorpe, 14 E. 3, and too many others. He that is covetous makes too much haste to be rich; and the Wise Man saith of him, he cannot be inno-

cent. The poets feign, that when Plutus is sent from Jupiter, he limps, and goes slowly; but when he is sent from Pluto, he runs, and is swift of foot. The moral is, that goods ill-gotten sent by Pluto, the devil, come apace; but goods that are well-gotten come in but slowly. The Roman word for them at the best is *impedimenta;* they are hinderances to the due execution of justice, and all other good actions. I shall commend the counsel more than the practice of a great judge of our profession, my lord St. Alban's: "Seek not proud riches, but such as thou mayest get justly, use soberly, distribute cheerfully, and leave contentedly." As Cicero relates of Rabirius Posthumus: *In studio rei amplificandæ, apparebat non avaritiæ prædam, sed instrumentum bonitati quæri.* This concerns all good men, and especially judges, who should be the less intent upon their private interest, that they may the more intend the public; according to that of Aristotle in his Pol.: "A magistrate is the keeper and disposer of the public, and not of his own proper goods." Yet, for the better encouragement and support of the judges, whose ordinary allowances are no more at this day than they were in Edward I's time, and then it was very liberal, it hath pleased the parliament already to provide in part, and I am confident they will do the like in general, that every judge shall have a competent supply and salary, according to his great pains and quality.

What I might say concerning the course and jurisdiction of this court will be better informed to you by my lords the reverend judges, your associates, and by your own knowledge; what I have said concerning the duty of judges is no more but what I have seen practised by them and by yourself when I had the honour to plead 352
before you. I have therefore said the less, and what I have said is but according to the old verse,

Qui monet ut facias quod jam facis, ille monendo
Laudat, et hortatu comprobat acta suo.

In the present choice which it hath pleased the parliament to make of judges, I doubt not but themselves will receive honour, the people satisfaction, and the judges comfort, which I heartily wish, and to you Mr. Sergeant Wilde in particular.

The sergeant answered my speech according to course; we gave him his oath, and invested him in the place of chief baron.

16. Referred to the committee of plundered ministers to Sermon.
examine the preaching of a scurrilous and scandalous sermon in the Temple by Mr. Lee, by consent of the present minister there.

Order for 1200*l.* to be paid by sir Charles Kemish in part of his composition, and he to be released upon bail.

Isle of Wight. 17. Upon letters from the commissioners in the Isle of Wight, and papers of his majesty's condescension as to public officers of state to be nominated by parliament for twenty years, the house voted his majesty's answer therein to be satisfactory.

Scotland. Letters from the committee of estates of Scotland to the parliament of England, that they are sensible of the benefit to that kingdom, against the enemies to both nations, by the coming thither of the forces under lieutenant-general Cromwell and major-general Lambert; and acknowledge, that the deportment of the officers and soldiers hath been so fair and civil, that they trust by their carriage the malignants will be much convinced and disappointed, and the amity of both kingdoms strengthened and confirmed, which they shall on their part likewise study to preserve.

Letters from the earl of Warwick, that several others of the revolted ships were come in to him, and that many of the rest were on sand, and the rest in a sad condition.

Order for a letter of thanks to the lord admiral, and 50*l.* to the messenger.

18. Debate of an ordinance touching the army, and the settlement of pay of the militia of the kingdom; and of an ordinance for explaining the statute 25 Ed. 3. c. 2, and all Treasons. other acts of treason: and of the statute 11 Hen. 7. c. 18. concerning subjects aiding the king in his wars; and of an act for making void all honours conferred on persons without the consent of both houses: and of an act for the due observation of the Lord's day.

Order for two great cannons to be sent down to the forces before Pontefract and Scarborough.

The house required an account concerning the taking off the sequestration of sir John Winter's estate.

Isle of Wight. Order for addition of seven days more time for the treaty at the Isle of Wight.

Army. Letters from St. Alban's, that the general officers of the army, upon their several meetings at the head quarters, had agreed upon a large remonstrance to be presented to the parliament.

The new sergeants appeared at the chancery bar, and I made the speech to them, to this effect:

Mr. Sergeant St. John, and the rest of you gentlemen who have received writs to be sergeants-at-law: Speech to the sergeants.

It hath pleased the parliament, in commanding these writs to issue forth, to manifest their constant resolutions to continue and maintain the old settled form of government and laws of the kingdom, and to provide for the supply of the high courts of justice with the usual number of judges, and to manifest their respects to our profession; and likewise to bestow a particular mark of favour upon you as eminent members of it: the good affections to the public, and the abilities of most of you, they know by experience among themselves, and of the rest by good information.

I acknowledge that the burden of this business lies heavy upon me in regard of my own weakness, and the worthiness of the persons to whom my words are directed; but as I am of the least ability to give, so you have the least need to receive instructions.

I should be unwilling to see the solemnity of this general call diminished, and am the rather persuaded to supply my present duty for several respects:

1. For the honour of that authority which commands your attendance and my service upon this occasion.

2. For the honour of this court, which challengeth a great share in this work, your writs issuing from hence, your appearance here recorded, and your oath is here to be taken.

3. The honour and particular respects which I have of you that are called to this degree.

4. And lastly, out of my own affections to the degree, being myself the son of a sergeant, and having the honour to be one of your number in this call; and I do acknowledge, that both in my descent and fortune I am a great debtor to the law.

For these reasons I presume (especially being with those from whom I have by long acquaintance found much friendship) that I shall now receive a fair construction of what I speak upon this very great subject.

My observations shall be upon your call by writ, and upon the writ itself.

Your being called by writ is a great argument of the antiquity of sergeants. The register hath many writs (as my lord Coke holds in his preface to the 10 Rep.) that were in use before the Conquest; and in the most ancient manuscript registers is your writ of the same form with those by which you are called; and if there had been any alteration within time of memory it would probably have been extant.

We find sergeants-at-law often mentioned in our year-books, and

in the records in the Tower, as high as the beginning of Ed. 1, and by Bracton, who wrote in Hen. 3's time.

And it may probably be conjectured that William de Bussey was a sergeant, by his habit of the coif, and his office:

Of whom Matthew Paris relates 42 Hen. 3. that he was *seneschallus, et principalis consiliarius Gulielmi de Valentia;* and being accused
353 for great crimes, upon his trial, when he could not acquit himself,

Voluit ligamenta suæ coifæ solcere, ut palam monstraret tonsuram se habere clericalem, and so to have avoided judgment; but it would not serve his turn.

Thus far it is granted by a little manuscript treatise, which endeavours to detract from the honour of this degree, and therefore requires an answer.

It asserts, that by Magna Charta (*communia placita non sequantur curiam nostram*) the court of common-pleas was erected; and that some of our profession, by writ then framed, were commanded to attend that lower court, the lawyers being generally unwilling to leave the king's house, where the other courts of justice then sat, and to attend this new court elsewhere. It is reasonable well that they are allowed the antiquity of 9 Hen. 3. and by this as ancient as the common-pleas court, but the error, that this court was erected 9 Hen. 3, is sufficiently refuted.

The same great charter is in Matthew Paris in king John's time with the words of *communia placita* &c. in it, but I presume his meaning is, that before the statute of Magna Charta there was no court of common-pleas, though his words be *before 9 Hen. 3.*

It is manifest, by undeniable authorities, out of ancient manuscripts and rolls, and the black book of Peterborough, that cases were adjudged in Ric. 1. and Hen. 2's time, *coram justitiariis in banco residentibus*, and the names of those that were then judges of this court are set down many years before Magna Charta was granted, which by Hoveden, Paris, and others, are said to be the laws of Edward the Confessor.

And if it be admitted that sergeants are as ancient as these laws, they allow them the antiquity of the Confessor; and if as ancient as this court, they are certainly as ancient as any thing in our law.

But the author of this treatise affirmeth, "that before the erection of the court of common-pleas it cannot be shewed that there were any special sergeant pleaders." I am of his opinion, and likewise that no man can show when that court was first erected; which is also the opinion of my lord Coke, 5 Rep. 9 Ed. 4. Sir Roger Owen, Lambert, and others.

Yet if the author mean that before Magna Charta 9 Hen. 3. there

were no such sergeants, he may be satisfied of the contrary out of Hoveden and Paris, who lived in Ric. 1. and Hen. 3's time, and are authors of good credit. They recite the charge of the justices in eyre given in Ric. 1. and king John's time: one of their articles is, to inquire of the sergeants-at-law and attorney's fees.

In the book of entries, in a bill of debt against a sergeant-at-law in the common-pleas, he shows and prescribes that sergeants could not be sued there by bill, but by writ out of the chancery; and this being by prescription, shews that sergeants were before the time of Ric. 1.

And the *Mirror of Justices*, (which I presume they will not deny to be yet more ancient, which my lord Coke holds to be written before the Conquest,) saith a *countor est un sergeant sachant la ley de realm*, to pronounce and defend actions in judgment.

From the antiquity of the degree, I come to my observations upon the words of your writ, which I shall take in order as they are.

1. *Quia de advisamento concilii nostri*, &c.

These words are in the writs of creation of peers, and in the summons of them, both spiritual and temporal, and of the judges and king's council, to the parliament, and in your writs, but in no other, except upon some high and weighty occasions, touching the public safety and the like.

And for your greater honour this council, by advice of which you are called to this degree, is the great council of the kingdom.

The next words in your writ are, *ordinavimus, vos, &c.* in the plural number, in the second person, which is an enallage of number, chiefly to express excellency in the person to whom it is referred.

Selden in his Titles of Honour, f. 121, showeth the use of it in the Jewish nation, and in France, Spain, Germany, and other countries, and always is in dignity of the party to whom applied; and the style of the chancery is so only to the peers, the judges, the king's council, and to sergeants.

Therefore 29 Ed. 3. f. 44. in a *Quare impedit*, the writ was *precipite*, and excepted against as false Latin, but Thorp said it was not false Latin, but the plural number only to express reverence to the person: the other answered, that no such reverence is done to a sheriff; and for this the writ was abated.

The next words in your writ are *ad statum &c.* which showeth dignity and honour given to them.

The author of the manuscript formerly cited by me allows the sergeants but little state, where he saith, "they kept their pillars at Paul's, where their clients might find them;" as if they did little better than *emendicare panem*.

This was somewhat far from Westminster-hall, and as far from truth, being grounded upon mistake of one of their ceremonies of state, where they went to Paul's to offer.

A manuscript of the call of Fitz James and other sergeants, 11 Hen. 8. saith, "That their steward brought every one of them to a several pillar in Paul's, and there left them a time for their private devotions;" no convenient time for clients.

In the register, a writ of *ex gravi querela* mentions a device to a priest to say mass at a pillar in Paul's; and I believe most of us, both in this and other great churches, have seen old people kneeling at the pillars in their private prayers.

Our old English poet Chaucer (whom I think not unproper to cite, being one of the greatest clerks and wits of his time) had a better opinion of the state of a sergeant, as he expresseth in his prologue of the Sergeant:

> A sergeant-at-law wary and wise,
> That oft had been at the pervise,
> There was also, full of rich excellence,
> Discreet he was, and of great reverence.

And in his description of the Franklyn, he saith of him:

> At sessions there was he lord and sire,
> Full oft had he bin knight of the shire;
> A sheriff had he bin, and a countor,
> Was nowhere such a worthy vavasor.

A *countor* was a sergeant, and a *vavasour* was the next in degree to a baron.

354 We find in many of our year-books, especially in Ed. 3's time, that they were joined with knights in assizes, trials of challenges, &c. 38 Hen. 6. f. 31. Prisot saith to the sergeants, "they would have no worship by such an act," &c. and that word was given to the lords in those days.

By the statute 12 Ric. 2. c. 10. the same privilege which is given to the judges for absence from the sessions is given also to the sergeants.

34 Hen. 6. Brook. *Nosme.* 5. saith, that *serviens ad legem est nosme de dignity, comme chivalier*, and it is *character indelebilis*, no accession of honour or office, or remotion from them, takes away this dignity, but he remains a sergeant still.

Their robes and officers, their bounty in giving rings, their feasts, which Fortescue saith were *coronationis instar*, and continued anciently seven days; and as Holinshed notes, kings and queens were often

present at them, and all their ceremonies and solemnities in their creation, do sufficiently express the state due unto them.

The next words in your writ are *et gradum &c.*

This is a degree of such eminency, that the professors of law in no nation are honoured with the like, with such solemnities and state, as I have before mentioned, and by mandate under the public seal of the commonwealth.

I find indeed in the preface to the Digest, several appellations given to the students of that law, that they called them *dupondios*, or *justinianeos*, and (when of further standing) *papinianistas*.

When they had proceeded further, they called them λύτας, and lastly προλύτας, and the title and degree of *doctor of the laws* I acknowledge to merit very much of respect and honour, as to the degree, and persons honoured with it. But such state and degree as this of sergeants-at-law is not among the municipal lawyers of any other nation, though all kingdoms have their municipal laws and lawyers as well as we.

Degrees are rewards of study and learning: *Nec enim virtutem amplectimur ipsam, præmia si tollas.* They are τὸ βραβεῖον, a spur to virtue, and witnesses of learning. And since, gentlemen, you have already obtained that depth in your profession as renders you capable of this degree, that resolution of all true lovers of learning is worthy of you:

1. To say *senesco discens;* proceed in your studies still. Your predecessors, for their learning, have been often advised with by the judges, as appears in our books and by the parliament, as may be seen in the rolls thereof.

2. By this degree you become chief advocates of the common law, an attribute given by Fortescue, who was a sergeant, and chief justice, and lord-chancellor.

It imports no less than all antiquity hath appropriated unto sergeants-at-law, the practice of that great and universal court, where all that concerns *meum et tuum*, the inheritances and property of all the people of England are heard and determined.

This degree ordaining you to be chief advocates, the duty of whom pertains to you to be performed, and may not be declined by you, I hold it not impertinent to mention something to you of the duties of an advocate, which are some of them to the courts and some to clients.

To the courts of justice he owes reverence, they being the high tribunals of law, of which doctor and student, and the statute of Marlebridge saith, *Omnes tam majores quam minores justitiam reci-*

piant, and therefore great respect and reverence is due to them from all persons, and more from advocates than from any others.

2. An advocate owes to the court a just and true information, the zeal of his client's cause, as it must not transport him to irreverence, so it must not mislead him to untruths in his information of the court, the statute of Wil. 1. c. 29. and the *Mirror of Justices* agree in an excellent direction in this point.

When a good cause is destroyed by misinformations or unlawful subtleties or deceits, let the instruments thereof take heed of the woe denounced by the prophet against them *that call good evil and evil good, that put darkness for light and light for darkness: their root shall be rottenness, and shall go up as dust.*

Remember that in your oath, for one verb, *you shall serve*, you have two adverbs, *well and truly.*

The duty of advocates to their clients are general and particular.

The general consist in three things, secrecy, diligence, and fidelity.

1. For secrecy, advocates are a kind of confessors, and ought to be such to whom the client may with confidence lay open his evidences, and the naked truth of his case, *sub sigillo*, and he ought not to discover them to his client's prejudice, nor will the law compel him to it.

2. For diligence, much is required in an advocate in receiving instructions, not only by breviats, but by looking into the books themselves, in perusing deeds, in drawing conveyances and pleas, in studying the points in law, and in giving a constant and careful attendance and endeavour in his clients' causes.

3. For fidelity, it is accounted *vinculum societatis*, the name of unfaithfulness is hateful in all, and more in advocates than others, whom the client trusts with his livelihood, without which his life is irksome, and the unfaithfulness or fraud of the one is the ruin of the other.

Virgil in his fiction of Æneas going down to hell, sets these in the front of crimes:

> *Hic, quibus invisi fratres, dum vita manebat,*
> *Pulsatusve parens, aut fraus innexa clienti;*
> *Inclusi pœnam expectant.* Æn. vi. 608.

For your duty to particular clients you may consider that some are rich, yet with such there must be no endeavour to lengthen causes, to continue fees.

Some are poor, yet their business must not be neglected, if their cause be honest, they are not the worst clients; though they fill not

your purses, they will fill the ears of God with prayers for you; and he who is the defender of the poor will repay your charity.

Some clients are of mean capacity, you must take the more pains to instruct yourself to understand their business.

Some are of quick capacity and confidence, yet you must not trust to their information.

Some are peaceable; detain them not, but send them home the 355
sooner.

Some are contentious; advise them to reconcilement with their adversary.

Amongst your clients and all others endeavour to gain and preserve that estimation and respect which is due to your degree and to a just, honest, and discreet person.

Among your neighbours in the country, never foment but pacify contentions; the French proverb is,

Bonne terre mauvais chemin,
Bon advocat mauvais voisin.

I hope this will never by any here be turned into English.

The next and last words which I shall note in your writ are *servientes ad legem.*

The name sergeant is ancient, some would fetch it from the French word *sergent*, as Pasquier in his *Recherches*, but that word is also Saxon.

You are indeed *servientes*, but it is *ad legem*, your fee is *honorarium*, and you are or ought to be *patroni clientium, viduæ et orphano adjutores.*

The conservators of the peace (as in my lord Coke's preface to his 10 Rep.) were anciently called *servientes pacis*, and the tenure by grand sergeantry is the most honourable.

Sergeants were also called in Latin *narratores*, as my lord Coke and sir Roger Owen observe. And in the book in the Tower, 14 E. 2. f. 89, one prays that he may have *narratores in placitis ipsum tangentibus*, notwithstanding the laws of Wales.

In the records in the Treasury, 25 E. 1, one Thomas Marshall justified the maintenance of a cause, for that he was *communis serviens narrator coram justitiariis, et alibi ubi melius ad hoc conduci poterit*, and as a counsellor he advised him.

They were anciently called likewise *countors*, as is noted by sir Roger Owen and my lord Coke, because the *count* comprehendeth the substance of the original writ, and the foundation of the suit, and of that part (as the worthiest) they took their name, and lost it not in the reign of E. 1, and at this day every sergeant at his creation doth *count* in some real action at the common-pleas bar.

In the statute of W. 1, 3 E. 1, he is called *sergeant countor*, and in the statute 28 E. 1, c. 11, is this clause, *Nest my a entender que home ne poet auer council des countors et des sages gents.*

Chaucer calls them *countors*, and in the *Mirror of Justices* there is a chapter of *countors*, the like in the *grand coustumier* of Normandy, and in the text and gloss of both, these *countors* are agreed to be advocates, who plead and defend men's causes in judicial courts.

The rest of the words of your writ prefix a day, and command you to prepare yourselves to take this state and degree upon you.

Accordingly some of you have formerly appeared upon your writs, which have been ordered to be filed, and your appearances recorded.

The rest of you have now appeared upon your writs, which have been read, and the like order given as for the others, and we are ready to admit you to take your oaths.

And what honour and advantage hath been gained by any the most eminent of your predecessors in this degree, I do heartily wish may be multiplied unto you, Mr. Sergeant St. John, and to all the rest of these worthy gentlemen your brethren.

20. Vote for money for the forces in Carlisle and Northumberland, &c.

Remonstrance.

Several officers of the army presented to the commons (not to the lords) the large remonstrance of the army, with a letter from the general to the house, desiring the remonstrance might have a present reading, and the things propounded therein be timely considered, and that no failing in circumstances or expressions may prejudice the reason or justice of what was tendered.

The preamble of the remonstrance, shewed

The miscarriages of the king and of the parliament severally, and in treaties between them, especially that treaty wherein they now are:

That they conceive the parliament hath abundant cause to lay aside any further proceedings in this treaty, and to return to their votes of non-addresses, and to reject the king's demands for himself and his party, and that he may no more come to government nor to London:

That delinquents be no more bargained with, nor partially dealt with; nor protected, nor pardonable by any other power, only moderated upon submission; and among these offenders, they offer,

1. That the king be brought to justice as the capital cause of all.

2. That a day be set for the prince and duke of York to come in; and if they do not, then to be declared traitors; if they do come in, to be proceeded against or remitted, as they give satisfaction.

3. That public justice may be done upon some capital causers and actors in this war.

4. That the rest upon submission may have mercy for their lives.

5. That the soldiers may have their arrears; and public debts be paid out of delinquents' estates.

6. That a period be set to this parliament, and a provision for new and more equal representatives of the people.

Then they offer rules for this representative power, and that it be the supreme power.

That no king be hereafter admitted but upon election of and in trust for the people by such representative.

That the general settlement be done by this parliament, and established by a general contract and agreement of the people with subscriptions thereunto; and none to be capable of benefit by this agreement without subscribing thereunto, nor any king be admitted to the crown, or any other to any office, without subscribing to it.

These things they press as good for this and other kingdoms, and hope it will not be taken ill because from an army, and so servants when their masters are servants, and trustees for the kingdom.

This remonstrance endured a long and high debate, some inveighing sharply against the insolency of it, others palliated and excused the matters in it, and some did not stick to justify it: most were silent, because it came from the army, and feared the like to be done by them as had been done formerly: in fine, the debate was adjourned.

21. Ordinance transmitted to the lords touching the sale of bishops' lands.

Order to stay all process against any for selling tobacco without license from former patentees of that monopoly, and referred to a committee to examine that matter; the like order touching the office of wine licenses.

An additional proposition passed by the commons to be sent to the king, that he would pass such acts as should be presented to him by both houses for strengthening the union between England and Scotland. 356 Isle of Wight.

Both houses agreed to continue the earl of Newcastle one of the seven to be excepted from pardon, and sir John Byron to be put in for another, instead of sir John Winter. Excepted persons.

Order of both houses for 3000*l.* for colonel Rossiter; and all the forces in Lincolnshire, except his troop, to be disbanded.

Letters from the Isle of Wight that the king refused to pass any thing against the marquis of Ormond until the treaty be wholly ended; and that he adheres to his former resolution concerning bishops, and that their lands be leased only for ninety-nine years, and not sold.

New sergeants. The commissioners of the great seal sat in chancery without sir Thomas Widdrington, and heard many motions, till past two o'clock; then the new sergeants came in their party-coloured robes and their servants, and the gentlemen of the inns of court with them; after they were come, the judges of the king's bench, and after them the commissioners of the great seal, went to the common-pleas court, where we sat in the middle of the bench, the chief justice of the king's bench on the right hand of the earl of Kent, and the lord chief baron on my left hand, and the other judges on either hand of us, in their antiquity, and the barons of the exchequer on a form on the right side of the court.

The new sergeants were brought up in their antiquity, singly, by two of their elder brethren, to the bar, where they *counted;* and when they had done, a gentleman, their friend, appointed by them, did deliver their several rings to the earl of Kent first, then to my lord Grey, next to me, then to the chief justice and chief baron, and to the rest of the judges and barons in their antiquity.

This ceremony held till past four o'clock in the afternoon.

22. Orders touching levying the assessments and disbanding supernumerary forces.

Upon a report from the committee of the army, the house approved of the general's drawing the army into towns and garrisons, and of his listing no more forces, and disbanding supernumeraries.

An ordinance passed for 5000*l.* out of the delinquents' estates in Essex, for the gratuity promised to the soldiers that were before Colchester.

Col. Birch. Upon the desire of colonel Birch, a member of the house, the place of high steward of Lemster, with the profits thereof, was conferred on him, being void by the delinquency of sir

Walter Pye. And upon the desire of Mr. Thomas Waller of Grey's Inn, order for the commissioners of the great seal to pass a patent to constitute him the judge of the Isle of Ely.

Letters from the Hague, that six more of the revolted ships were come in, and that a challenge passed betwixt prince Rupert and the lord Culpepper.

The commissioners heard some causes and a few motions in chancery, and then rose and went to the king's bench, where we did swear sergeant Browne a judge of that court: sir Thomas Widdrington made a short speech to him, which he answered, and then took the oaths of allegiance and supremacy, and of a judge. Judges.

Then the earl of Kent delivered to the secondary of the king's bench the patent for him to be a judge of that court, which was read, and afterwards the earl of Kent delivered the patent to sergeant Browne, and he took his place of the third judge of that court.

From thence we went to the common-pleas, where sir Thomas Widdrington made a short speech to Mr. Sergeant St. John, and sergeant Bedingfield, who answered him, and then their patents were read and delivered to them, and sergeant St. John was sworn chief justice of the common-pleas, and sergeant Bedingfield the puisne judge of that court.

From whence we went back to the king's bench, where I made a short speech to sergeant Jermyn, and he answered me, and then his patent was read and delivered to him, and he took the oaths, and his place of a puisne judge of that court.

From thence we went into the exchequer, where sir Thomas Widdrington spake not long to Mr. Gate, who answered him, and was sworn, and received his patent, and was made a baron of that court.

23. Letters from the Isle of Wight with his majesty's ultimate answer concerning bishops: Isle of Wight.

That he cannot with a good conscience consent to the total abolition of the function and power of bishops, nor to the entire and absolute alienation of their lands, as is desired; because he is yet persuaded in his judgment, that the former is apostolical in the institution, and that to take away the latter is sacrilege.

Neither can his majesty communicate in a public form of divine

service and administration of the sacraments where it is wholly uncertain what the minister will offer to God.

To this the commissioners answered,

Answer. That it was not the apostolical bishop which the bill desired his majesty to remove, but that episcopacy which was formerly established by law in this kingdom, grown up to an height of outward pomp and greatness, and found by experience to be a grievance to the subject, a hinderance of piety, an encroachment upon the power of the civil magistrate, and so a burden to the persons, purses, and consciences of men.

Whereupon the parliament finding it to be for the honour of your majesty and profit of the subject to take it away, desire this bill for that purpose, not meddling with the apostolical bishop, nor determining what that bishop is whom the apostles mention in scripture, but only to put him down by a law who was set up by a law.

Nothing can be more proper for parliaments than to alter, repeal, or make laws, as experience teacheth to be for the good of the commonwealth : but admitting that apostolical bishops were within the purport of this bill, they humbly conceive it doth not follow that therefore in conscience it must not be passed, for they may not grant that no occasion can make that alterable which is found to have sure foundation only in the practice of the apostles, not in a precept.

For the sale of bishops' lands, which his majesty apprehends to be sacrilege, they humbly offer, that bishoprics being dissolved, their lands (as of all corporations) naturally by the laws of the land revert to the crown, which is their founder and patron, and heretofore held it no sacrilege to dispose of bishops' lands to its own and others' use, by act of parliament ; which was an ordinary practice in his predecessors.

Besides that, they might say that in all ages, and even under the ceremonial law, imminent and urgent necessity (especially by the
357 public) hath dispensed with the otherwise employing of consecrated things.

As to that, that his majesty cannot communicate in a public form of divine service where it is uncertain what the minister will offer to God,

They answer,

That the Directory is certain as to the matter, leaving it to the minister to enlarge or express in words, according to his discretion, for the exercise of his gifts ; and they add, that it can be no objec-

tion against joining with a minister in a prayer, not to know beforehand the very words that he will say, for then, one must not hear any prayer before sermon, where every several minister hath a several form, and must vary still according to occasion.

That what his majesty hath already consented to concerning bishops, leaves it solely in his own power for their return again to their former power after three years, and to have the negative voice in ordination, which they humbly conceive the scripture holds not forth to have been in that bishop who is there mentioned in these writings of the apostles; and consequently, that which his majesty endeavours to preserve, not to be the primitive office of a bishop.

That the intention of the parliament is not to offer violence to his majesty's conscience, but that he will be pleased to rectify it by being better informed, that both he and his people may have cause of rejoicing.

The lord Grey of Groby had the thanks of the house for taking marquis Hamilton prisoner, and dispersing a brigade of his horse.

The house spent almost the whole day in nominating sheriffs for all the counties of the kingdom. Sheriffs.

Many rumours were of the army's coming again to the houses. Army.

24. Upon a letter from the lord-admiral, order touching the raising of 20,000*l.* for the mariners that come in for the revolted ships, and for other affairs of the navy, and for providing money for the summer's fleet.

Vote for the earl of Arundel to be admitted to his composition for 6000*l.* in regard he had suffered losses by the parliament's forces, and that this 6000*l.* should be paid for the use of the navy.

Letters from the earl of Warwick, that divers of the revolted ships are come in to him.

25. Orders touching sheriffs.

Orders for slighting the garrisons of Ashby de la Zouch and Bullingbrook.

A petition of one Maurice, complaining of the arbitrary proceedings of the house of lords concerning an estate of 3000*l.* per annum, referred to be examined by a committee.

Votes for disbanding forces.

The commissioners of the great seal went into the queen's court, and there we did swear Mr. Prideaux to be the king's solicitor.

Isle of Wight. 27. Letters from colonel Hammond, with one enclosed from the general to him, to require colonel Hammond to repair to his excellency to the head-quarters; and that colonel Ewers was appointed to take the charge of his majesty in the Isle of Wight.

The commons voted colonel Hammond to stay in the Isle of Wight to attend his charge there, and the general to be acquainted with this vote, and letters to be sent to the admiral to send some ships for security of the Isle of Wight, and that they obey the orders of colonel Hammond.

Army. Letters from the head quarters, that the officers spent yesterday wholly in prayer; that they consult how to effect what is in their remonstrance, and are resolute to bring delinquents to punishment, and to settle the kingdom in peace, with what necessary laws are wanting for the benefit and ease of the subject; and that a petition came to the general from the forces in Wales and in the north, to expedite this work.

A messenger brought word to Windsor, that colonel Ewers had the custody of his majesty, and that colonel Hammond was upon the way to Windsor.

Upon information of the wants of Plymouth garrison, orders for raising 4000*l.* for them, and colonel Welden to go thither.

Debate whether the new sergeants should send a ring to the king, and put off.

Letters from the leaguer at Pontefract, that the garrison soldiers come away from thence, and many move for passes; that they made a sally, and were beaten in again; that all the regiments in the north have petitioned the general against the treaty, and for justice; which were recommended, and sent by lieutenant-general Cromwell to the lord-general.

28. Order for captain Skinner and the rest of the men in the Crescent frigate, lately taken, to be brought to judgment for piracy, after the course of the admiralty.

Order for sequestrations of delinquents in the north, for raising money to disband the supernumeraries there: and for satisfaction of the Lancashire forces.

Order touching new sheriffs.

Order that the estate of the lord Lovelace be again sequestered, if he refuse to pay 500*l.* to colonel Temple as part of his arrears.

The lord of Ormond knighted divers in Ireland.

29. The public fast-day.

Letters from colonel Hammond, with a copy of the orders from the general council of the army, and their letter to colonel Ewers and others, for securing his majesty's person in the Isle of Wight. Isle of Wight.

The house ordered a letter to the general, to acquaint him that these orders and instructions from him to colonel Ewers, for securing his majesty's person in the Isle of Wight, were contrary to their resolutions and instructions given to colonel Hammond, and that it was the pleasure of the house that his excellency recall the said orders, and that colonel Hammond be set at liberty to attend his charge in the Isle of Wight.

The town was full of fears of the army.

30. The question whether the remonstrance of the army should be taken into speedy consideration was by ninety voices resolved in the negative. Army.

Report of the letters from the general to the committee of the army, wherein he takes notice, that the committee intend not to furnish him with money for contingencies, which of necessity must be had for pay of messengers and incident charges: that he must be forced thereby to receive moneys for this purpose out of the collectors' and receivers' hands, where he can find it, if speedy course be not taken to supply him.

This was held in the debate an high and unbeseeming letter from the general, but in conclusion it was referred to the committee of the army to take such course as they shall think fit, for pay of the arrears of the army.

Debate touching pay for the reduced officers.

Intelligence from the head-quarters,

That a full council of the army had agreed upon a declaration, expressing their sad apprehensions of the danger and evil of the treaty with the king, and of any accommodation with him, or restitution of him thereupon. 358 Declaration.

Then they recite their late remonstrance presented to the commons, the heads whereof they justify, but say,

That to their grief they find, that instead of any satisfaction, or a reasonable answer thereto, they are wholly rejected, and the consideration thereof delayed from day to day.

That they can see in the majority of those trusted with the great

affairs of the kingdom, nothing less than a treacherous or corrupt neglect of and apostasy from the public trust reposed in them.

And considering that, as to the breach of that trust, there is no higher formal power of man in being, to appeal unto for judgment, in such case, as all others concerned in such breaches of trust will, so they cannot but exercise that common judgment which in their natural capacity is left to them.

And there being no way of a just succession of another proper judicature to be appealed unto in due time, and they being convinced of the greatness and destructiveness of those evils they have declared against, and of the necessity of those better things they have propounded, and how inconsistent with the public trust and fundamental ends of it still to pursue the one and reject the other, as that they dare appeal to the common judgments of indifferent and uncorrupted men, and to the more righteous judgment of God above all.

That this parliament being sole judges of their own performance or breach of trust, they hold themselves necessitated to and justified in an appeal from this parliament, in the present constitution as it stands, unto the extraordinary judgment of God and good people.

Yet that in prosecution of this appeal, as they will drive it on but to the speedy obtaining of a more orderly and equal judicature of men in a just representative, according to their remonstrance, wherein to acquiesce, so they will endeavour to preserve so much of the matter and form of the present parliamentary authority as can be safe or useful, till a just constitution can be introduced.

That they should rejoice if the majority of the house of commons would become sensible of the destructiveness of their late way, and would exclude from communication in their councils all such corrupt and apostatized members as have obstructed justice, safety, and public interest. However, they desire that so many of them as God hath kept upright, would, by protestation or otherwise, acquit themselves from such breach of trust, and would withdraw from such as persist in the guilt thereof, and that they will own such as shall do so as having materially the chief trust of the kingdom remaining in them, and shall adhere to them, and be guided by them in their faithful prosecution of that trust, till a more full power in a just representative may be endeavoured.

That they will not hereby take any advantage to themselves in profit or power, but should be willing to be presently discharged, if they could but attain a rational assurance for the effectual prosecution

of these things, and should give a proportionable assurance on their parts, concerning their laying down of arms when required.

That for all these ends, they are drawing up with the army to London, there to follow Providence as God shall clear their way.

By the appointment of his excellency the lord Fairfax, lord general, and his general council of officers held at Windsor.

Signed,

Nov. 30, 1648. Jo. Rushworth, secr.

Major Cromwell returned with letters from colonel Hammond, that he was detained at Windsor, and that colonel Ewers had the charge of the king's person in the Isle of Wight: the lords pressed on the consideration of his business. Isle of Wight.

December 1648.

1. The general wrote a letter to the lord mayor and common-council of London to this effect: Army.

That being upon an immediate advance with the army towards London, they thought fit to give them notice of it, and for the grounds thereof refer them to the late remonstrance and declaration of the army. London.

That they are far from the least plunder or wrong to any, and for the better prevention of any disorder they desire 40,000*l.* may be paid them to-morrow night, and they will quarter in the void and great houses in and about the city.

A report by the commissioners of all his majesty's concessions at the treaty twice read over, and long and smartly debated. Isle of Wight.

About two o'clock the question was put, whether they should then debate whether his majesty's answers and concessions were satisfactory or dissatisfactory, and carried in the negative, and ordered to resume the debate to-morrow morning.

The lord Wenman, Mr. Hollis, and Mr. Pierrepoint, three of the commissioners who came last to the town, had the thanks of the house for their great pains and care in managing of the treaty.

A committee of the common-council acquainted the house with the letter they received from the general; upon which the common-council would not do any thing till they knew the pleasure of the house.

After a long debate, till eight o'clock at night, it was voted, Army.

that the house taking notice of the great arrears due from the city of London to the army, do declare, that it is the pleasure of the house that the city do forthwith provide 40,000*l.* of their arrears, upon security of the said arrears.

And that the house doth leave it to the city, either by committee or letter, or otherwise, as they shall think fit, to address themselves to the general.

And that a letter be written to the general upon the heads of this day's debate, and that he be acquainted therein, that it is the pleasure of the house that he do not remove the army nearer to London.

In all places they were full of trouble upon the army's advance towards London, and strange were the turnings and perplexities of these times.

2. A long and high debate all day upon the king's concessions and answers in the treaty, but no vote passed, and the further debate of it put off till to-morrow morning.

The general and his army marched to London, and took up their quarters in Whitehall, St. James's, the Mews, York-house, and other vacant houses, and in villages near the city.

Army. The city sent a letter to the general, that they will do their
359 utmost to levy the arrears of the assessment to the army, and at present advance some thousands of pounds to pay quarters, but desire the soldiery may be removed further from London, and to have a right understanding, which was promised to them.

The king removed. 4. The house being upon the debate of the king's concessions and answers in the treaty, a letter came to the speaker from the officers deputed by colonel Hammond to take the charge of his majesty; that the king was removed from thence to Hurst-castle, by order of the general and council of the army.

That their orders were to secure the person of the king, till they should receive resolution from the houses upon their late remonstrance, and they had orders to use his majesty with all civility.

The house, upon reading this letter, voted that the seizing upon the person of the king, and carrying him prisoner to Hurst-castle, was without the advice or consent of the house.

After this, they again debated the king's answers, but came to no resolution.

Letters from the leaguer before Pontefract, that the garrison have many sick, but have plenty of provisions; that major-general Lambert is left to command the leaguer, lieutenant-general Cromwell being come to London. Pontefract.

That the garrison in Scarborough are in a mutiny because the governor will not surrender it to the parliament, and are in want of provisions. Scarborough.

Letters from Ireland, that the marquis of Antrim hath relinquished the lord Ormond, and is declared generalissimo of the popish interest there. Variance increased betwixt Antrim and Ormond. Ireland.

The soldiers behaved themselves with unusual civility.

5. Although the house sat all the last night, yet they were in the same debate again early this morning, and voted,

That his majesty's concessions to the propositions of the parliament upon the treaty are sufficient grounds for settling the peace of the kingdom; and they named a committee to go this afternoon to the head quarters to confer with the general and the officers of his army for continuance of a good correspondency between the parliament and the army. Vote.

The general caused a proclamation to be made by beat of drum and sound of trumpet, to require all delinquents to depart ten miles from London for a month, else to be proceeded against as prisoners of war. Army.

And another proclamation, that his soldiers demean themselves civilly and peaceably, not giving any just offence or provocation by language or otherwise, on pain of severe punishment.

And not to do any unlawful violence to the persons or goods of any upon pain of death, and no officer to be absent from his charge without leave upon such pain as the party injured should sustain.

None of the soldiers were quartered in the city: the general sent to them for beds, and firing for the soldiers, and for money; but none came.

Many were glad of an honest pretence to be excused from appearing in the house, because of the business of the army; the debates about which went extreme high, and on this ac-

count I was the better contented with the business of my place at this time.

6. The regiment of horse of colonel Rich, and of foot of colonel Pride, were set for guards for the houses, and the city trained bands discharged.

C. Pride's force upon the house.

Colonel Pride drew up divers of his foot in the court of requests upon the stairs, and in the lobby before the house; and as the members were coming in to go into the house, colonel Pride having a paper of names in his hand, and one of the doorkeepers, and sometimes the lord Grey of Groby standing by him, and informing him who the members were, the colonel seized upon such of them as he was directed by his note, and sent them away with soldiers, some to the queen's court, and court of wards, and other places, by special order from the general and council of the army.

The house of commons being informed hereof sent their sergeant-at-arms to the members so seized upon, to acquaint them it was the pleasure of the house that they should forthwith attend the service of the house; but the officers under whose guard they were still detained them.

Army.

The committee sent to the general, made their report, that he desired time to advise with his council of war about his answer, and the same committee were ordered again to attend the general and the army for his answer.

Colonel Axtell brought a message from the army to the house, that they had somewhat to present to the house which would be ready for their present view; the house caused him to be called in again, and he delivered his message to them the second time, and their answer was that the house will be ready to receive it.

Not long after, colonel Whaley and other officers presented the desires of the army to the house, desiring their speedy consideration of them.

The officers being withdrawn, the house named a committee to treat with the general and his council of war about the discharge of their members, and to make their report with all speed.

The proposals and desires of the army to the house were to this effect:

Army-proposals.

That having for a long time sadly beheld and tasted in the house's

proceedings the miserable fruits of councils divided and corrupted by factions and personal interest; and seeing no better or other way, they propound and demand as followeth: Whereas Denzil Hollis, esq., Lionel Copley, esq., major-general Massey, and other of your members, were, in 1647, impeached by yourselves of treason, or high crimes in relation to the treasonable engagement in the city of London, the violence then done to the parliament, the levying of a new war, and other evils:

And upon clear proofs against them, they were by your censure expelled the house, and disabled from further trust therein; and upon new writs issued out, new members were chosen, and returned in their rooms:

Yet, by the prevalency of their faction, when in the last summer's war divers faithful members were engaged abroad, and others through tumults could not safely attend, the same persons were afterwards readmitted to sit in the house and vote as formerly, without any trial or satisfaction in the things whereof they were accused.

2. Whereas by the confederacy of major-general Browne, now sheriff of London, with the said impeached members and others, the Scots were invited and drawn in to invade this kingdom the last summer, and the house upon their actual invasion proceeded to de- 360
clare them enemies, and those that adhered to them traitors:

Yet those confederate and other teacherous members, to the number of ninety and odd, (as upon the division of the house appeared,) did by their counsels and votes endeavour to hinder the house from declaring against their confederate invaders:

We desire that the said major-general Browne may be also secured and brought to judgment; and that the rest of the ninety and odd persons, dissenting against the said vote, may be excluded the house.

3. Whereas in a continued series of your proceedings, for many months together, we have seen the prevalence of the same treacherous, corrupt, and divided council, through factions and private interest, opposing or obstructing justice, and hindering a settlement, as in several votes, &c. and lastly, in the votes, declaring the king's past concessions to be a ground for the settlement of peace, notwithstanding the insufficiency and defects of them: we therefore most humbly desire, that all such faithful members who are innocent in these things would immediately, by protestation and public declaration, acquit themselves from any guilt of or concurrence in the several votes or counsels before particularly mentioned as corrupt or destructive.

That the kingdom may know who have kept their trust and who

have falsified the same, and that such as shall not so acquit themselves may be excluded or suspended the house, till they have given clear satisfaction therein.

4. That such as by faithfulness have retained their trust, being set in a condition to pursue the same without inturruptions and depravations of councils, we desire and hope you will speedily and vigorously proceed to take order for the execution of justice, and to set a short period to your own power, to provide for a speedy succession of equal representatives, according to our late remonstrance, wherein differences in the kingdom may be ended, and we and others may comfortably aquiesce, as, for our parts, we hereby engage and assure you we shall.

This day was the second general seal, and by the way, as we went toWestminster, before Whitehall, were two troops of horse of the army, and in the New Palace-yard and Old Palace-yard were many companies of foot, and troops of horse drawn up.

When we alighted at the door of the lords' house, there stood two troopers, who denied us entrance till an officer came; and when I told the officer that we were going about business of the chancery, he let us pass.

The court of requests, and the stairs to the house of commons and towards the hall, were very full of soldiers, yet we went up into the queen's court.

Whilst we were advising what to do, (and we were all of opinion to sit in court,) the lord Grey of Groby came to us, and persuaded us to sit in court, which we did without the seal, and heard some motions.

After which, sir Thomas Widdrington was called away by sir John Evelyn and the rest of the committee, to go to the general, yet we sat and heard some motions, till Mr. Love, a member of the house, and one of the six clerks, came to us into the court, and brought an intimation (as he said) from the house, that we should not sit, in regard that clients and counsel could not with freedom attend.

Thereupon we rose, and the lords desired me to go into the house to know their pleasure, which service I undertook, and the more willingly, to try what countenance I might have from the soldiers then at the door.

I passed by colonel Pride without any questioning of me, but Pride had then seized upon many members of the house

as they were going in, and secured them in the queen's court, who sent from thence to the house to acquaint them with the condition they were in.

I acquainted the speaker and divers others of the house with the intimation received from them not to sit in court, which some apprehended might too much reflect upon the army, as if they did interrupt the course of justice; and I prayed their direction what we should do in this matter.

They were of opinion that by all means the commissioners should sit in chancery and proceed in their business.

With this advice I returned to the lords commissioners; the lords stayed in the little room by the chancery, and after I came to them, we went into the room in the court of wards, till sir Thomas Widdrington came to us, whither the seal was brought without any trouble, though the soldiers were very strict in guarding their prisoners.

The commissioners sat till six at night, by which time the soldiers were all gone, and the members of the house, (thirty-nine in number,) who were seized upon, were carried away to places of confinement.

This was a sad and most disorderly day's work, and many were troubled, not only for their friends who were thus secured, but what to resolve upon in relation to themselves after this action.

Lieutenant-general Cromwell came into the house, and had their hearty thanks for his great services to both kingdoms.

Order for sergeant Earle to go to Norwich to execute the commission of oyer and terminer and gaol delivery, and that Mr. Hugh Audely, the sheriff of that county, do attend there likewise.

Divers members of the house were forbid entrance into the house, because some matters were to be debated concerning themselves; sir Edward Patridge, Mr. Dodderidge, and sir Thomas Dacres: some of them wrote a letter to the speaker to acquaint the house therewith. Secluded members.

They ordered the committee formerly named to go to the general, and endeavour a good understanding between the parliament and army, and to treat concerning the restitution of their members under restraint.

Upon a debate, voted to take into consideration the remon-

strance and proposals of the army the next day but one; and the next day (to-morrow) to be kept a day of humiliation for the house.

Several members were at a stand whether they should any more attend the house, or not; in regard of the violence offered to many of them, and that it could not be esteemed a free parliament.

Many of these, upon debate and advice of friends, and considerations that they were chosen by their country to serve for them in this parliament, and that the violence was not offered to these, but to other members, whereof these were not made the judge, nor was it left in their power to desert the parliament and their trust, whilst they might have liberty to continue in that service. These reasons persuaded many to continue in that trust and service.

The commissioners of the seal met this morning at Westminster, but in regard of the present troubles put off their causes and returned home.

361 More of the members of the house of commons were this day seized upon and secured.

8. The solemn fast was kept in the house, and a collection made of money for poor soldiers' wives and widows, and the house adjourned till the eleventh of this month.

Army. By order from the general and general council of the army, two regiments of foot and several troops of horse were quartered in London, and the treasuries secured in Haberdashers'-hall, Weavers'-hall, and Goldsmiths'-hall, whereof the general by his letter acquainted the lord mayor and city beforehand.

And gave his reasons for the doing of it, because they had not paid their arrears of the assessment, nor furnished the money which he desired of them, and that they had by order of parliament quartered in several counties on those who did not pay the assessment till they paid the same. That yet if they would advance for the army 40,000*l.*, in part of their arrears, the soldiers should not be further troublesome to them.

A party of soldiers going by mistake to the excise-house to seize the money there, the general recalled them, and wrote a letter to the commissioners of excise to excuse it.

City. 9. A committee of the common-council made some pro-

posals to the general and council of the army, touching their security for 40,000*l.*, which the general demanded of them, which they promised to advance, and humbly desired that the army might this night withdraw out of the city.

To this the general answered, that if within fourteen days the city would pay in all their arrears of the assessment, that then the army should withdraw; but that in the mean time their quartering in the city would facilitate the work.

The foot were quartered in private houses, the horse in inns, and two more regiments marched into the city, and took up their quarters there this day.

Upon my motion, and for the more freedom in our business, the commissioners met in the parliament chamber in the Middle Temple, and we heard in the hall forty demurrers.

The house of commons adjourned till Thursday next.

11. The houses sat not, but to the general and general council of the army was presented a new representative, or an agreement of the people, propounded as a rule for future government, to be published to the view of all, that any might offer what they thought fit against it, or of alteration, or addition to any part of it. Agreement of the people.

Much of the same matter was contained therein as in their late remonstrance; this was more large, giving rules for future elections of representatives of the people; they to have the supreme authority, and this parliament to be dissolved in April next, and then a new representative to sit.

Divers rules for the election of them; officers and malignants to be incapable of electing, or being elected; and generally of the power and equal distribution of the members of this representative, to be in all three hundred persons, &c.

The frame of this agreement of the people was thought to be for the most part made by commissary-general Ireton, a man full of invention and industry, who had a little knowledge of the law, which led him into the more errors. Ireton.

Little business in the chancery. The lord Grey of Groby came to the lord Grey, one of the commissioners, and wished us not to sit to-morrow, because it would be a busy day. It seems he was acquainted with the private councils of the army.

We all advised together about this matter, and resolved to

meet to-morrow at Westminster, to prevent any failure of justice, and to do as we should see cause, as to the hearing of motions, or other business of the chancery.

12. Both houses sat, the commons ordered two troops of horse in Northamptonshire to be continued for a month longer, under major Butler and captain Stirke.

Petitions from Bristol and Exon complaining of the neglect of guarding those coasts; that ten merchant ships had been taken by the Irish the last week: the petitions referred to the committee of the navy.

A letter from the lord-admiral of the grounds of his coming from Goree to the Downs, to avoid the danger of being frozen up, and because he wanted victuals, referred to the committee of the navy.

Army. Votes. Upon debate of the last proposals and desires of the army, voted, that the vote for revoking the order of disabling the eleven members, and readmitting them into the house, when a charge of so high a nature lay against them was unparliamentary, and of dangerous consequence, and was now made null.

They voted likewise, that the vote of this house, concurring with the lords, to take off the former vote, which forbid any more addresses to the king, was highly dishonourable to the proceedings of parliament, and apparently destructive to the good of the kingdom.

Army. Prisoners. Major-general Browne, sir John Clotworthy, sir William Waller, colonel Massey, and colonel Copley, were apprehended by the army and sent prisoners to St. James's house: Mr. Pelham, Mr. Vaughan, and some other of the members that were prisoners, had liberty given upon their paroles.

The city sent in beds for the soldiers, whereupon the general ordered them to be removed from private houses, and quartered in empty houses.

Letters from Ireland, that the marquis of Ormond was piecing up the differences among the rebels, and that their main design was against Dublin.

Vote. 13. Voted, that the votes of non-addresses to the king shall stand; and that the votes for revocation of them, and that for a personal treaty with the king in the Isle of Wight, were highly dishonourable to the proceedings of parliament, and apparently destructive to the good of the kingdom.

Letters with the catalogue of twenty commanders who were for the parliament, lately come in to the lord Ormond.

Several members did forbear going to the house, not being satisfied whether they might with a safe conscience be in the house or not, having such a force upon them, and lest they should countenance that force. On the other side, they considered whether it were fit for such as had no force upon them, and were not forbidden to be in the house to be absent, and wholly to omit their duty, or rather to continue therein, whereby they might help to keep up the parliament, lest it should be dissolved, which the soldiers wished, and thereby the whole power be given up into the hands of the army. Sir Thomas Widdrington did forbear going to the house this day. 362

14. Referred to the committee of the army to confer with the general and officers of the army how the last six months' assessment may be raised and paid to the soldiers.

Order for 200*l.* for colonel Ewers, now governor of Hurst-castle.

Order to repeal the former ordinance for settling the militia, it being made upon design to destroy the present army, and that a new ordinance be brought in for the militia. Militia.

Debate of a letter to be sent to the general, to desire that a charge may be brought in against such of their members not admitted to sit, against whom they have any matter; and that the rest, against whom they have no matter, may have the freedom to sit in the house. Army.

Letters from Hurst-castle that his majesty was in health, and had good accommodations; that he desired of the governor to have two of his own chaplains to pray and preach with him, and to have liberty to write to the queen and to the prince. Hurst-castle.

15. Debate touching provisions for the navy, and orders for pay for ships, and for two months' gratuity for the mariners who served against the revolted ships.

Referred to a committee to inquire who printed and contrived a scandalous pamphlet, called, "A solemn declaration of the members secluded the house by the army, that all acts, ordinances, votes, and proceedings of the house of commons since the seclusion of the members, and continuance of Secluded members.

the army's force upon it, are no way obligatory, but null and void."

The house declared it to be false, scandalous, and seditious, and tending to destroy the government; and that all who had a hand in it shall be uncapable of any office or trust, or to be a member of parliament; and that every absent member before he sit shall disavow that pamphlet.

Army declaration. The army passed a declaration, that whereas some enemies had written to merchants beyond seas, to call home their estates out of England, because the army had seized upon men's goods, and designed to destroy all trade and propriety, the army declare against it, and that they will maintain and preserve both according to law, and with all freedom.

16. The new ordinance for the militia transmitted to the lords.

Another, that no malignants be elected, or electors of the lord mayor, aldermen, and common-councilmen of London.

A party of horse went to Hurst-castle to remove the king to Windsor-castle.

The general council of the army sat upon the agreement of the people.

Colonel Butler's troop and major Fincher's were disbanded.

Malignants. 18. The lords concurred in the ordinance with the commons for disabling malignants to be elected, or electors of the lord mayor, aldermen, and common-councilmen, or any other officers, or places of trust, on pain of 200*l.*, one half of it to the informer, and the other half of it to the maimed soldiers.

A sheriff of Nottinghamshire appointed.

Expedient. A committee appointed to draw up an expedient for the members of the house to subscribe, as dissenters to the vote that the king's answer to the propositions was a ground of peace.

Order for the sergeant-at-arms to apprehend sir Charles Kemish, for staying in town contrary to the ordinance, he being a delinquent.

Both houses agreed of a list of persons to attend the king.

A day of humiliation appointed for the two houses, and Mr. Cokayn and Mr. Bond to preach, and Mr. Foxley to pray.

Intelligence of a new fleet preparing by the prince for Scilly, Guernsey, and Jersey, and for Ireland, and many discontented persons and reformados resorting to him.

A committee named to confer with the lord-admiral about this matter.

Letters came to the general from major-general Lambert and his officers, in compliance with the army's remonstrance by the forces in the north; and desiring a correspondence with the army, to whom they gave some cautions touching the prosecution of their remonstrance. Army.

When the chancery business was over, sir Thomas Widdrington and I went to the rolls, by appointment, where lieutenant-general Cromwell and colonel Dean met us; and with the speaker we had a long discourse together about the present affairs. And then another time was appointed by the lieutenant-general for us to meet again, and to consider and confer how the settlement of the kingdom might be best effected, and to join counsels for the public good.

19. An ordinance passed for the payment of 28,000*l.* taken by the soldiers out of Weavers'-hall.

Referred to a committee to consider of the great abuse in providing bad victuals for the ships, and how the persons may be punished, and the like prevented.

Upon a letter from the general, referred to a committee to consider how the arrears due to colonel Rainsborough may be charged and paid to his wife.

An ordinance passed both houses for making the earl of Pembroke constable of the castle and honour of Windsor, and keeper of the forest and great park there.

Order for levying the arrears of delinquents' compositions, being 200,000*l.*

Letters from Scarborough of the hopes of a speedy surrender of that place; and that the Scots are not well pleased with the late transactions of the army in England.

The parliament's ships upon the coast of Ireland took a Dutch ship laden with wine, salt, &c. of three hundred ton, bound for Waterford. The cessation was continued in Ireland between the marquis of Ormond and the rebels.

Mr. Pierrepoint expressed much dissatisfaction at those members who sat in the house, and at the proceedings of the general and army.

A visit to lieutenant-general Cromwell, who lay in one of the king's rich beds in Whitehall.

20. An additional ordinance passed for election of the lord mayor, aldermen, and common-councilmen of London.

Army. The committee appointed to attend the general about the

Secluded members. secluded members, reported his answers, that the business was of great concernment, and he believed the house would not expect a present answer from him, but he would prepare it as speedily as he could; and in the mean time desired the house would not trouble themselves to send any more to him concerning that business.

Order for the same message to be renewed to the general.

The house approved of what the committees of Nottingham and Derby had done for relief of the forces before Scarborough and Pontefract.

3^{6}3 Sixteen of the secluded members were set at liberty by order of the general, to sit again in the house if they please, and the rest were still in custody.

Two new listed soldiers in colonel Dean's regiment, with two more, took upon them to apprehend a citizen of London, under pretence of a warrant from the council of war, and that they had a great charge against him, when there was no such matter, but they designed by this means to get money of him.

The citizens acquainted some of the council of war herewith, who disowned the business, caused the soldiers to be apprehended; two of them ran away, the other two were sentenced to ride the wooden horse at the Exchange, and to run the gantelope.

Sir Thomas Widdrington and I had no great mind to sit in the house of commons as it was then constituted.

21. Order for repayment of the money taken out of Weavers'-hall, to be for the use of the navy.

Petition. A petition from divers of Somersetshire, that justice may be done upon delinquents: the petitioners had the thanks of the house, and the petition was ordered to be printed.

Order that Mr. Strickland use the best endeavours he may to hinder the intended sale in the Low Countries by the prince of the ordnance of the revolted ships.

Both houses passed an ordinance concerning lieutenant-colonel Lilburne.

In the afternoon the speaker, lieutenant-general Cromwell,

sir Thomas Widdrington, and I, by appointment, met about six o'clock, and discoursed freely together about the present affairs and actions of the army, and the settlement of the kingdom.

In the conclusion, sir Thomas Widdrington and I were desired to draw up some heads upon the discourse, to be considered by the same company.

22. Both houses kept the solemn fast this day.

The general council of the army had much debate concerning the matters of religion, relating to their new representative, and of the power of the representative in civil matters. Army.

Sir Thomas Widdrington and I met, stayed all the day together to draw some heads upon yesterday's discourse, and to endeavour to bring the army into some fitter temper.

We were likewise to frame somewhat in order to the restitution of the secluded members, for an answer for the army to the messages of the house to the army, touching their members under restraint, and heads for a declaration, what the parliament intendeth for the settlement of the kingdom, to be considered of, and offered to the parliament and council of the army.

This was a work of no small difficulty and danger, yet at this time not to be declined by us; both the members of the house, and chief officers of the army, having engaged and trusted us only therein, we prayed to God to direct us in it, and that neither of us might receive any prejudice, but the kingdom might receive good by this our employment, and the courses of the army be moderated, (as it was in some measure at this time,) though it brake out again into violence afterwards.

23. A committee of the common-council informed the house, that the citizens of London were so generally engaged in the petition for a personal treaty, that if the restriction in the late ordinance should stand, that none of them should be capable to be elected officers of the city, there would want sufficient persons to be chosen to supply necessary offices in the city. City.

Referred to a committee to consider of some expedient in this business.

A sharp debate about bringing the great delinquents of the kingdom to speedy punishment.

Design against the king.

And now was set on foot and begun their great design of taking away the king, whom divers in the debate did not stick to name for the greatest delinquent, and to be proceeded against in justice.

Debates.

Others insisted upon it that he was not capable of being brought to justice by his subjects, but by God alone; and that having subdued him and his party, there was no need of any thing further, but to secure the parliament from their enemies rising against them any more; and that might be done without bringing the king to any judicial trial, a thing not read of in any history.

But those of the fierce party prosecuted their design with all eagerness; and those of a contrary opinion either durst not oppose, knowing they should be presently secluded the house if they did, or seeing that no opposition would be to any effect or purpose.

It was endeavoured to have put the business wholly upon the army, that if they would have the thing done, they should do it themselves, as most proper for such an irregular and unheard of business, as to bring a sovereign prince to a public trial by his own subjects, to be done in an irregular way, and by such irregular men; but they were subtle enough to see and avoid that, and to make those whom they left sitting in the parliament to be their stales, and to do their most dirty work for them; many of whom they found, and persuaded to be strangely forward to engage in it:

Insomuch, that it was carried by vote in the house of commons, to name a committee of thirty-eight persons, whereof I was one, but never attended that committee, to consider of drawing up a charge; and for that purpose to receive all informations, and examinations of all witnesses, for the matters of fact against the king, and all other delinquents, that may be thought fit to be brought to condign punishment.

Scarborough.

Letters from colonel Bethel to the general of the surrender of Scarborough-castle to him upon articles for the use of the parliament; that there was in the castle good store of all manner of provisions, especially rye, and fifty barrels of powder, with ammunition for many months.

Navy.

From the parliament's ships in the Downs came a declaration to the general of their free concurrence with the army

in their remonstrance, knowing the things to be just and good.

The king was expected to be at Windsor this night, and colonel Thomlinson commanded the guards about him upon colonel Harrison's coming away.

Major Pitsford taken at Pembroke, and staying here contrary to the articles of surrender thereof, was by the court martial sentenced to be shot to death.

The lord Wenman expresseth himself very high against the army, having been seized and secluded the house by them; which was no small provocation.

Sir Thomas Widdrington and I went together, according 364
to appointment, to the speaker's house.

There met us divers gentlemen of the house, and we consulted about settling the kingdom by the parliament, and not to leave all to the sword; and sir Thomas Widdrington and I spake our minds freely to them: some of them were wholly against any king at all; others were against having the present king, or his eldest or second son to be king; others were for the third son, the duke of Gloucester, (who was among them, and might be educated as they should appoint,) to be made king.

They came, after a long debate, to no resolution at all, but appointed to meet again on next Monday.

24. The proceedings of the army continued in the same way as before.

25. The commons sat, though it was Christmas day, and made some orders about the association of Somersetshire, with the adjacent counties.

Order for 100*l.* for Mr. Withers, being moneys lent by him to the parliament.

Five members declared their dissent to the vote December 5, 1648. Dissenting members.

The committee named to consider how to proceed in a way of justice against the king were enjoined to meet this afternoon.

Debate whether the secluded members should be readmitted.

A dispute between the two houses, whether 33,000*l.* formerly granted to the lord Willoughby as part of his arrears, and by him assigned to his creditors, who accepted the secu- Lord Willoughby.

rity, should now be granted away to others in prejudice of the lord Willoughby's creditors, which the lords held not just.

The lords who sat in the house being very few, they ordered that all the lords who were within twenty miles should appear to-morrow, and those more remote within fourteen days after receipt of this order; some moved it might be under the pain of 500*l.*, but that was not agreed unto.

Petition. A petition to the commons from Norfolk and Norwich, reciting the former and present evils, and praying,

1. That present inquiry be made who have been the chief instruments of the king in the former or latter war, and in the late bringing in of the Scots; and that he himself, and all such as have been the most notorious incendiaries, and instruments in shedding of blood, may without delay be brought to impartial justice.

2. That courts of justice, judges and officers, and fees, may be certain; and laws in the vulgar tongue; and justice be speedy, and without respect of persons, and as may most agree with the rule of Christian duty, just reason, and the birthright and privilege of Englishmen; and that impartial commissioners be appointed to try the late mutineers in Norwich and Kent and other counties.

3. That course be taken for payment of the public debts out of delinquents' estates; and that taxes may be made easy, and laid proportionably, and so levied.

4. That malignants be incapable of offices, or being parliamentmen; that under the notion of a peer, we be not voted into ruin by those that could not beat us into it; and that a committee be ordained to order affairs of state in the intervals of parliament.

5. That the power of the militia be not put into the hands of malignants or neuters, but of faithful persons to the parliament.

6. That the army (whose faithfulness we acknowledge) may be vindicated, especially for their late proceedings, in order to impartial justice upon the capital offender, the best means to establish this almost destroyed nation; that free quarter be taken away, and constant pay provided for the army.

Another petition was from the garrison of Hull, of their adherence to the late remonstrance of the army.

26. The house approved the articles of surrender of Scarborough, and gave 40*l.* apiece to the messengers that brought the news.

Mr. Elsing. Mr. Elsing, clerk of the parliament, desired to quit his place, by reason (as he alleged) of his indisposition of health

to execute the same, but most men understood his reason to be, (and he acknowledged it to me and others of his friends,) because he would have no hand in the business against the king.

He was a man of very great parts and ingenuous education; he had travelled much, and was very learned, especially in the Latin, French, and Italian languages; and was a great student, and a very just and honest man; and the most excellent clerk, both to take and express the sense of the house, that, I believe, ever sat there; so great a help to the speaker and to the house, in helping to state the questions, and to draw up the orders free from exceptions, that it much conduced to the despatch of business and the service of the parliament.

He was a particular friend of mine, and Mr. Selden was fond of him; we were often together at Mr. Elsing's house, who gave noble entertainment.

The house ordered Mr. Phelps, formerly clerk to the committee of plundered ministers, to officiate in Mr. Elsing's place, and by a deputation from him.

Upon the petition of the East India merchants, order for them to have leave to transport 13,000*l.* in bullion.

Order for procuring 6000*l.* for provisions and service for the navy.

Divers petitions to the commons, and to the general in compliance with the army's remonstrance; among them one was to the general from colonel Mackworth, and the officers and soldiers in Salop, Petitions.

Inveighing against the personal treaty, and concurring with the late remonstrance of the army, praying the general to continue to represent to the commons these desires of their friends, and not to hearken to the counsels of their enemies, and to make a present settlement without any more addresses to the king.

And that his excellency would endeavour that justice may be done upon the authors of our troubles, and bloodshed in the three kingdoms, in some exemplary way, suitable to the crimes, and without respect of persons.

That for taking off the grievances and burdens by free quarter, unequal taxes, corrupt proceedings in courts of justice, and other gross miscarriages in government to be reformed, they will depend upon the ordinary remedy by parliament, till God declare by evident

demonstrations of his will, in the passages of his providence, that that extraordinary is to be resorted unto, which is never denied in case of extremity to any people.

They resolve, God strengthening them, to follow his excellency, and the rest of those conductors, raised up and spirited for so great a work, through a sea of blood, to attain the fruition thereof.

The king. 365 Letters from Windsor, that his majesty removing from Hurst-castle, when he came to Winchester, the mayor and his brethren met him, delivered him the mace, and made a speech to him; that the commander of that party who guarded the king told the mayor, that the parliament had voted no more addresses to the king on pain of high treason; and by this address they made to him that they were within the danger of being traitors.

That the mayor and his brethren humbly asked pardon for it, excusing themselves, that they knew not any thing of that vote, and that they would be more cautious for the future.

Letters from Dublin, that they are quiet there, by reason of the distractions among the rebels, whose divisions daily increase.

Widdrington and Whitelock. This morning sir Thomas Widdrington and I being together, Mr. Smith, who was clerk to the committee for preparing the charge against the king, came to us with a message from the committee, that they required us to come to them this day, they having some matters of importance wherein they desired our advice and assistance; and that we must not fail them.

I knew what the business was, and I told sir Thomas Widdrington that I was resolved not to meddle in that business about the trial of the king; it being contrary to my judgment, as I had declared myself in the house.

Sir Thomas Widdrington said he was of the same judgment, and would have no hand in that business, but he knew not whither to go to be out of the way, and that the committee might not know whither to send to him.

I replied, that my coach was ready, and I was this morning going out of town purposely to avoid this business, and if he pleased to go with me we might be quiet at my house in the country till this business should be over, and I should be glad of his company.

He willingly consented to go with me, and was not long in preparing himself for the journey.

27. The monthly fast-day, and neither of the houses sat.

The council of war ordered, that nothing be done upon the knee to the king, and that all ceremonies of state to him be left off, and his attendance to be with fewer, and at less charge. The king.

28. Order for the city of London to proceed to the electing a new common-council, according to the former ordinance, by which malignants are excluded. And that the illegal oaths of allegiance and supremacy, and all other of the like nature, be referred to a committee, to the end they may for the future be taken away. Allegiance.

The committee for drawing up a charge against the king, and to consider of the manner of his trial, reported an ordinance for attainting the king of high treason, and for trying him by such commissioners as should be named in the ordinance. The charge was to this effect:

That Charles Stuart had acted contrary to his trust, in departing from the parliament, setting up his standard, making a war against them, and thereby been the occasion of much bloodshed and misery to the people whom he was set over for good; that he gave commissions to Irish rebels, and since was the occasion of a second war, and had done contrary to the liberties of the subject, and tending to the destruction of the fundamental laws and liberties of this kingdom. Charge.

This ordinance was read the first time, and ordered to be read again the second time to-morrow.

Order for the accounts of colonel Aldrich, a member of the house, to be stated.

29. Orders touching the securing of 6000*l.* to the commissioners of the customs, for the present use of the navy.

An account to the house, what moneys were in arrear from delinquents, of their compositions, referred to a committee.

The ordinance for impeaching the king read the second time and committed.

Major Pitcher, who was violent against the parliament in the war, and upon the articles of the surrender of Worcester, was taken in arms, and engaged not to serve any more against

the parliament; yet afterwards was taken in arms again against the parliament, at the surrender of Pembroke, had quarter given upon mercy, and was to go out of the kingdom for two years; and for not doing so, and now taken, he was, by sentence of the court-martial, executed, and shot to death.

The council of war sat at Whitehall, and finished the agreement of the people, and appointed a committee to consider of a way for the army to subscribe it.

A woman out of Hertfordshire came to the council of the army, and acquainted them that she had something from God to speak to them, and being admitted, she did much encourage them in their present proceedings.

Lilburn. A petition from John Lilburn and others, expressing their dislike of some articles of the *agreement of the people*.

30. Petition of Mrs. Jennings against Mr. Jennings her brother, a member of parliament, for refusing to pay her portion, or account, standing upon his privilege of parliament, referred to a committee.

Order for 2500*l.* for Mr. Smithby for saddles, and other horse furniture.

Referred to the committee for the trial of the king, to insert the names of commissioners, and to make a special provision in the ordinance, in case the king should refuse to plead to the charge against him.

Debate whether the thanks of the house should be given to Mr. Watson, one of the ministers that preached before the house of commons the last fast-day, and carried in the negative, because he did not acknowledge the parliament.

Fasts. Mr. Brookes, the other preacher, had the thanks of the house, and it was debated whether the ordinance for monthly fasts should be repealed, and fast-days appointed only as there should be occasion, but no result was made of it.

31. Mr. Owen preached two excellent sermons. And upon discourse concerning the present affairs of the army he seemed much to favour them, and spake in dislike of those members who voluntarily absented themselves from the house, having no particular force upon their persons.

Distractions. All men were at a gaze what would be the issue of such proceedings; some thought it best for them to be reserved as to their opinion, finding every where too many talkers, and few with much judgment.

January 1648.

1. Report of the names of commissioners for trial of the king, being some of the lords and commons, officers of the army, aldermen, and commanders in London, with some gentlemen from the counties, all being one hundred and fifty persons, and twenty of them of the quorum to try the king, and to give sentence against him. King's judges. 366

My name was not brought in among them, I having declared my judgment in the house against this proceeding, and having absented myself at the time of naming of them, and wholly from attending this committee, so that they knew my mind, and therefore did forbear to name me, though I was then in so great an employment under them.

But I resolved to hazard, or lay down all, how beneficial soever, or advantageous to me, rather than to do any thing contrary to my judgment and conscience.

A month's time was given by the ordinance to the commissioners to determine this business.

This vote was passed as a foundation for these proceedings:

That the lords and commons assembled in parliament, do declare and adjudge, that by the fundamental laws of this realm, it is treason in the king of England for the time to come, to levy war against the parliament and kingdom of England. Vote.

Order touching sequestering of delinquents in South Wales.

A letter from Elsing, desiring the house, by reason of his indisposition, to appoint a clerk to attend them. Referred to a committee to take an account from Mr. Elsing of the books and records of parliament in his hands, and to receive them by inventory, and to present the names of fit persons to the house out of whom they may choose an able clerk to attend them. Elsing.

Vote for Mr. Phelps to be clerk assistant to the house, and 200*l.* ordered for Mr. Darnell the present clerk assistant.

A committee named to consider of a way to prevent anticipations of the public revenue.

The soldiers, in prosecution of an ordinance of parliament, secured all the players, and brought them away prisoners in the midst of their acts, as they were then habited in their robes. Players.

A committee of the army was appointed to consider of concealed moneys due to the state, and another committee of officers of the army and citizens, to consider of notorious delinquents, that are fit to be made examples of justice, and an unusual power was given to these committees to examine witnesses upon oath.

Scotland. Letters from Scotland, that at the late renewing of the covenant the lord chancellor stood up in his pew, made public acknowledgment of his late failings, and self-seeking, and countenancing the last wicked engagement, which he did so orthodoxly and pathetically, with many tears, and praying the people to pray for him, that there was much weeping among them.

Letters from Pontefract leaguer, that many of the garrison came into them; that if the supernumeraries may be sent for Ireland, and Old Noll, or any person of honour command them, that he cannot want men.

Presbyterians. Letters of advice, that all well affected men in the kingdom might associate and be in arms, lest the presbyterians who preach for their god, viz. the tenth of every man's estates, and for forms, do join with their brother malignants, to raise new troubles.

2. A high-sheriff named for Durham.

The king. Upon a letter from colonel Whitchcot, governor of Windsor-castle, order for 20*l.* per diem for the charge of his majesty's table, and for fire and candle for the soldiery; and voted that colonel Whitchcot shall have the same power for displacing disaffected attendants about his majesty as colonel Hammond had in the Isle of Wight.

Lords. The ordinance for trial of the king was carried up to the lords, of whom sixteen then sat; they stuck much upon the declaratory vote, *That it was treason in the king to levy war against the parliament;* they agreed to send an answer by messengers of their own, and adjourned their house for ten days.

Letters from Windsor, that the king was cheerful, and took no notice of any proceedings against him, as to his trial, and saith, "He doubts not but within six months to see peace in England, and in case of not restoring, to be righted from Ireland, Denmark, and other places."

Letters from France, that the parliament there published

an edict against cardinal Mazarine, who escaped them; and that the prince of Conde came with forces before Paris and stopped provisions.

3. The list of the officers of the fleet, referred to the committee of the navy to report who they think fit to go out with this winter guard, and who not. Ordered that captain Moulton be preferred in the navy, answerable to his merit, and the like for colonel Lidcote. Navy.

The commons taking notice that the lords had rejected their ordinance for trial of the king, and had adjourned their house, they sent some of their members to examine the lords' journal book, and they reported to the commons three votes passed by the lords:

1. To send answer by messengers of their own.
2. That their lordships did not concur to the declaration.
3. That they had rejected the ordinance for trial of the king. Lords' journal.

Hereupon the commons voted,

That all their members and others appointed to act in any ordinance wherein the lords are joined with them, shall be empowered and enjoined to sit, act, and execute in the said several committees of themselves, notwithstanding the house of peers join not with them. Vote.

Order that the ordinance for trial of the king, and the declaration from which the lords dissented, and which are intended for both houses, shall now be by the commons only, and that the former committee do sit presently, and report the alteration in the afternoon, during which time the house adjourned.

In the afternoon the committee made their report, and the ordinance was recommitted, and to be reported again to-morrow, the lords' names to be left out, and the three judges, and sergeant Bradshaw, sergeant Nicholas, and Mr. Steel to be assistants.

The speaker acquainted the house with a letter he had received by the French ambassador from the queen, but the house would not have it read.

A letter was sent from the general to the committees of several counties for levying the arrears of the assessment for the army, and that he would take off free quarter from those who paid their proportions.

4. Report of amendments to the ordinance for trial of

the king, and in respect the lords had rejected it, the commons turned themselves into a grand committee to consider of the power of the commons in parliament, and the committee voted,

Votes. 1. That the people, under God, are the original of all just power.

367 2. That the commons of England assembled in parliament, being chosen by and representing the people, have the supreme authority of this nation.

3. That whatsoever is enacted and declared for law by the commons in parliament hath the force of law, and all the people of this nation are included thereby, although the consent and concurrence of the king and house of peers be not had thereunto.

These being reported to the house were upon the question all passed, without a negative voice to any of them.

An ordinance, entitled, *For trial of Charles Stuart by a court-martial,* was assented to, and ordered to be engrossed and brought in to-morrow.

Order that the clerk do not give out any copy of the ordinance for trial of the king to any member of the house or to any other.

London. 5. Order to require the lord mayor of London to suspend the taking of the usual oaths, and to proceed to perfect the elections of common-councilmen.

Upon information that divers prisoners of war had escaped out of Peter-house through neglect of the keeper, referred to a committee to examine and report it. And to consider of a prison to be given to the sergeant-at-arms attending the house.

Order to desire the general to command his marshal-general of the army to put in execution the ordinance concerning scandalous and unlicensed pamphlets.

Order for a large book of vellum to be made, and all the acts, ordinances, and records which lie abroad in papers, and have been neglected, be there entered.

The committee for concealed moneys sat in Whitehall, and rewards were allowed to the discoverers.

6. The ordinance for trial of the king was brought in, engrossed, and passed.

Scots. A letter from the commissioners of Scotland resident here pressing for unity of councils and actions according to the

covenant betwixt the two kingdoms, and that the house would not proceed to try or execute the king till the advice of that nation be had thereunto.

Debate concerning the proceedings of law, the issuing of writs and the like, in what name they should be, the king and the lords not acting. Style.

The common-council agreed upon an order to be published to-morrow in all churches, for speedy payment of 19,000*l.* of the arrears of the assessment for the army, to prevent the whole army's coming into the city, and to be quartered upon those who have not paid their arrears. London.

8. Letters from Ireland, that sir Charles Coot marched with his forces of Connaght from Sligo seventy miles into the rebels' country, and after a little conflict with the rebels, some of them were killed, and his party burned great store of their corn, preyed upon the country, and brought away one thousand of their cows without loss. Ireland.

That at his return he apprehended sir Robert Stuart, and hath sent him into England with a charge against him; that since this he hath possessed himself of Kilmore and fourteen guns, which sir Robert Stuart endeavoured to block up by sea and land, and hindered the provisions sent by the parliament from being brought to their forces.

The house referred it to the general and council of war to try sir Robert Stuart; and to take care for the forces of sir Charles Coot in Ireland whose actions they approved, and ordered a letter of thanks to him.

Referred to the general and council of war to secure Holy Island.

Order for the northern counties to have the sequestrations of delinquents there, for disbanding their forces.

The commissioners for trial of the king sat in the painted chamber at Westminster, and ordered that to-morrow a herald should proclaim, and invite the people to bring in what matter of fact they had against Charles Stuart king of England, and appointed to sit the next day upon his trial. The king.

9. Sir Thomas Widdrington and I by agreement went into the house this morning, the trial of the king being begun; some looked very shy upon us, others bid us welcome, and seemed glad to see us there.

Lords. About ten of the lords sat and passed several ordinances, which they sent to the commons, who laid them all aside.

The lords had debate upon their last votes about the trial of the king. And that something should be published, to satisfy upon what grounds they rejected the commission for his trial; but they resolved nothing.

Sergeant Dendy, who attended the commissioners for trial of the king according to their order, rode into Westminster-hall with the mace on his shoulder, and some officers attending him bare, and six trumpets on horseback, and guards of horse and foot in the palace-yard.

Proclamation. The trumpets sounded in the middle of the hall, and the drums beat in the palace-yard, after which proclamation was made, to give notice that the commissioners for trial of the king were to sit again to-morrow, and that all those who had any thing to say against the king might then be heard.

The house of commons then sitting ordered sergeant Dendy to make the like proclamation at the Old Exchange, and in Cheapside London, which was done accordingly.

Votes. Vote, that the name of any one particular person should not be inserted as the style of any common writ or otherwise

Style. for the time to come; and referred it to the committee for settling proceedings in courts of justice, to consider how the style should be.

Great seal. Votes that the present great seal shall be broken, and a new one forthwith made; and in the mean time, all proceedings under the present great seal to be good, till the new one be confirmed.

That the arms of England and of Ireland shall be engraven on one side of the new great seal, with this inscription, *The Great Seal of England.*

That on the other side of the seal shall be the sculpture or map of the house of commons sitting, with these words engraven on that side, *In the first year of freedom by God's blessing, restored,* 1648.

H. Martin. This was for the most part the fancy of Mr. Henry Martin, a noted member of the house of commons, more particularly the inscriptions.

Order for pay of colonel White's regiment.

Proclamation. The general set forth a proclamation, reciting the flocking

of malignants to London (as their was ground to believe) to raise new troubles, and the order of parliament empowering him to expel them the city, and ten miles distant therefrom ; 368 which accordingly he enjoins by this proclamation, and that the delinquents depart within four and twenty hours.

A petition to the general and his council from the officers and soldiers in the Isle of Wight, &c., mentioning the late delusive treaty with the king, and danger of new troubles ; they declare their conjunction with the army in their desires, in the large remonstrance, and in their present proceedings, which they desire may be prosecuted, &c. Petition.

The proclamation was made by sergeant Dendy whilst the courts of justice sat in Westminster-hall, to the no small interruption of them.

About eleven o'clock the house of commons sent for the mace out of chancery, sergeant Dendy having that of the house ; thereupon the commissioners rose and went home.

10. Order for the sergeant-at-arms to take Mr. Pryn into custody for denying their authority. Pryn.

The commissioners for trial of the king met, and chose sergeant Bradshaw for their president, Mr. Steel to be attorney-general, Mr. Coke solicitor-general, and they with Dr. Dorislaus and Mr. Aske to draw up and manage the charge against the king. King's trial.

Mr. Waller moved for a *habeas corpus* for Mr. Pryn, a member of the house, lately apprehended, as is before mentioned. Pryn.

This being a matter of privilege of parliament, and Mr. Pryn being committed by order of the commons, we thought it fit to advise with that house before we granted the *habeas corpus*. Habeas corpus.

The rest of the commissioners of the seal desired me to go presently into the house, to know their pleasure in this business, which I did, and the house not being sat I conferred with the speaker and divers of the members about it, and told them, that by the law a *habeas corpus* could not be denied.

They commended the commissioners' respect to the house, and agreed that a *habeas corpus* could not be denied ; so I returned to the court, and we thought fit to grant the *habeas corpus*.

In the evening one of the sergeant's men brought me an order of the house, requiring sir Thomas Widdrington and me by name to attend the committee to-morrow about settling the course of justice.

11. Debate touching the navy.

Pryn. Report of the sergeant's men who served Mr. Pryn with the warrant of the house to take him into custody; that Mr. Pryn answered him, that as he was coming to the house to perform his duty there for the county for which he was elected, he was apprehended by sir Hardress Waller and colonel Pride, and secured as a prisoner ever since; that being not discharged of the said imprisonment he could not submit to that order which the sergeant's man had, for any other restraint to be laid upon him, and therefore he refused to obey the same.

Secluded members. The house ordered the answer to be read of the general council of the army concerning the secluded and secured members; the substance whereof they approved, and appointed a committee to consider what was fit further to be done thereupon; and set a day to consider of the particular case of Mr. Pryn.

Chief justice Rolles. A visit to the lord chief justice Rolles, a wise and learned man.

He seemed much to scruple the casting off of the lords' house, and was troubled at it.

Yet he greatly encouraged me to attend the house of commons, notwithstanding the present force upon them, which could not dispense with their attendance and performance of their duty, who had no force upon them in particular.

Style. The committee for proceedings in courts of justice had a great debate what style shall be used in commissions and writs instead of the wonted style, *Carolus Dei gratia* &c.

12. Petition of the trustees and others for the sale of bishops' lands, that that business might be confirmed by patent under the great seal of England.

Order for the solicitor-general to draw up a patent to pass the seal accordingly.

The commissioners for trial of the king being to sit in the afternoon, the house adjourned the earlier.

We heard demurrers forenoon and afternoon in the queen's

court; the council were more peremptory and unsatisfied than ordinary, and used us like declining officers.

13. Ordinances passed for regulating the affairs of the navy.

Navy. Reference to the committee of the navy to confer with the lord admiral about sending some ships to Goree in Holland, and northward, and if he were not in town, that then the committee should do it of themselves; and all officers and mariners were required to obey their orders.

Order for sir George Ascue to be desired to go with captain Moulton in this expedition; and several other orders made concerning the fleet.

Petition. Two petitions from the inhabitants of Devon and Exon, gentlemen and ministers, &c., desiring justice upon the principal causers of the first and second war, and a firm peace.

Agreement of the people. The general council of officers concluded upon the agreement of the people; and added some trustees to the lord Grey, sir John Danvers, &c., for making the divisions for elections in the several counties.

High court of justice. The high court of justice (as it was called) sat for trial of the king; their whole time was spent about settling the court and calling over their members, and to summon those who being named commissioners did not appear; amongst whom, colonel Rowland Wilson, a person of great worth and integrity, refused to act as a commissioner (though named) in this business, or to sit with them.

They agreed that the place for trial of the king should be Westminster-hall; and that in order thereunto the king should be brought from Windsor to London.

Great seal. We heard some causes in the queen's court: some told us, for news, that new commissioners of the great seal were to be appointed, sergeant Bradshaw, sergeant Thorpe, sergeant Nicholas: this was supposed to be discourse only, as some would have it.

14. The Lord's day in the evening, a visit to Mr. Speaker, Speaker. who seemed much unsatisfied with the proceedings of the army, especially with an apprehension that they design to Army. put him out of his place, and to claim all by conquest.

Perplexities. The times were indeed full of dread and danger, and of trouble and change, which caused many a perplexed thought in sober men, who yet put their trust in God, and resolved to

depend on him, and to go on in the way wherein he had set them, whilst they were permitted.

15. The declaration passed for revoking the former vote
369 for taking off that of non-addresses to the king, and for justifying the present proceedings of parliament.

Order for 1000*l.* for defraying incident charges for trial of the king.

Petition. A petition from the common-council of London, desiring the house to proceed in the execution of justice against all capital actors in the war against the parliament, from the highest to the lowest.

That the militia, navy, and places of power may be in faithful hands, for recovery and increase of trade, and to endeavour the settling of the votes that the supreme power is in them upon foundations of righteousness and peace, and that they resolve to stand by them.

They also presented a narrative of the carriage of the lord mayor and some aldermen, denying to concur with them in this petition, and departing the court.

The house approved what the common-council had done, and gave them thanks, and appointed a committee to consider of their desires.

High court of justice. The high court of justice sat, and heard the charge against the king, and appointed a committee to peruse it, and the proofs of the matters of fact, and ordered to move the parliamen to adjourn the term for fourteen days, in respect to this trial.

Declaration. A declaration read at the council of the army of the grounds of their present proceedings, justifying them, and making apologies for themselves, that they seek no particular advantage by the agreement of the people, by which they have discharged their consciences, and their duty to their native country in their utmost endeavours for a settlement unto a just and public interest.

France. Letters from France of great troubles there, and forces raised by the queen regent, the cardinal Mazarine and their party, and Parisiens, the parliament, and the prince of Conde, and other grandees of that party.

The second general seal not so great as usually it was, probably in regard of the present proceedings of the army, and the trial of the king, yet it held us forenoon and afternoon.

16. An act passed for adjourning the term for fourteen days.

Another act passed for regulating the clerks' fees of the navy and customs, and discharging unnecessary ones.

Now the commons styled what were before ordinances at this time *acts of parliament.* Style.

Papers from Scotland, not acknowledging the house of commons a parliament, laid aside and not read. Scotland.

Private letters from Scotland, that the parliament there, *nemine contradicente,* did dissent from the proceedings of the parliament of England:

1. In the toleration of religion, in order to the covenant.
2. In the trial of the king.
3. In alteration of the form of government.

Letters from Pontefract, that the enemy keeps up in hope of relief; that major-general Lambert was very active in disbanding the militia forces.

The commissioners of the seals heard demurrers in the queen's court, workmen being in Westminster-hall, to make the chancery and king's bench into one court, taking down part of either court, and making scaffolds.

17. Referred to the committee of Derby-house, to bring in a list of names of some to be sent commissioners to the parliament of Scotland now sitting, and to keep a fair correspondence between the two kingdoms.

Order for Mr. Kiffin and Mr. Knolles, upon the petition of Ipswich men, to go thither to preach.

A petition, with large subscriptions from the Isle of Wight, Portsmouth, Southampton, &c., representing their grievances and remedies. A committee appointed to consider of this, and all other petitions of this nature, and to begin with those of most concernment to the present settlement. Petition.

The high court of justice sat, and caused the charge against the king to be abbreviated; they ordered a sword and mace to be carried before them. High court of justice.

We heard some causes in the queen's court, and an act of the house of commons being brought to us, for adjourning the term, we were required to issue forth writs for that purpose. Commissioners of the great seal.

We rose and advised together about it, the two lords' com-

missioners with us refused to join in signing a warrant for those writs, because the lords did not concur in this act.

Sir Thomas Widdrington and I thought fit to acquaint the house herewith; and there, some moved to send up to the lords for their concurrence, but most of the house opposed it, as a waving of their own authority, having already without the lords passed an act for it; and so it was laid aside.

Sir Thomas Widdrington and I sat in the house till four o'clock, and went then to the earl of Kent and the lord Grey, to acquaint them with what the house had done in this business, and advised them to move the lords' house in it themselves; which the earl of Kent did stick at.

Then sir Thomas Widdrington and I went to some of the judges, and advised with them, whether the term might not be adjourned without any writ, and they seemed to be of opinion that it could not.

18. Major-general Massey, one of the secluded members, made his escape from St. James's where he was prisoner.

House of lords. The lords sent down an ordinance which they had passed to the house of commons for their concurrence, and it was the same in effect for adjournment of the term, which the commons had passed before.

But the commons having before voted that they were the supreme power, and that all committees which before were of lords and commons might after that vote act, though the lords join not, they would not own the lords as formerly by agreeing to this ordinance.

I was in the house at this debate, and excused the two commoners, commissioners of the great seal, for their scruple in this business, withal expressing their readiness to observe and obey the commands of the house of commons.

19. An ordinance long debated, and at last committed, touching delinquents paying in the remainders of their compositions, or else to be sequestered again.

Lieutenant of the ordnance. The place of lieutenant of the ordnance was formerly given to sir Walter Earl, now one of the secluded members; it was now snapped at by others, and a motion made to give it to another member, but referred to a committee.

High court of justice. The high court of justice sat in the afternoon, and heard proofs to the impeachment: the king was brought from Windsor to St. James's in order to his trial.

The general council of the army met, and the draught of the agreement of the people was subscribed by many of them, and sir Hardress Waller and sixteen other officers were appointed to present it to-morrow to the house of commons. 370 Agreement of the people.

Information of a vessel taken by colonel Russel, governor of Guernsey, and captain Burley in her.

A petition from North Wales to the council of the army, complying with their remonstrance, &c., for which the council gave them thanks. Petition.

The two lords' commissioners of the seal still refused to join in signing warrants for writs to adjourn the term; whereupon sir Thomas Widdrington and I went to the speaker, and acquainted him with all passages, and our intentions in this business to procure an act of the house of commons to command sir Thomas Widdrington and me to sign warrants without the lords for writs to adjourn the term, and to draw an act for that purpose: the speaker approved of this way, and offered that he would present the act to the house for this purpose. Great seal.

20. Lieutenant-general Hammond, and divers chief officers of the army, presented to the house in the name of all the army, from the general council of the army, a petition and a writing concluded on by them, entitled, *An agreement of the people of England;* desiring a serious and speedy consideration thereof by the house. Army. Petition.

The petition was read, but not the writing, it being long, and the house having resolved to rise at twelve o'clock, in regard the commissioners for trial of the king were to sit in the afternoon; yet they returned to the officers this answer, and ordered,

That the thanks of the house should be given to these officers, for their particular and great services to the kingdom, and that they be desired to return the hearty thanks of the house to his excellency the lord general and all the army, for all their unwearied and gallant services to the nation. Answer.

And that the petition with this answer should be forthwith printed and published, that the kingdom might take notice of the union and affection between the parliament and army, and for the agreement and declaration, they should be taken into speedy and serious consideration.

Upon a conference betwixt the king and Mr. Hugh Peters, The king.

and the king desiring that one of his own chaplains might be permitted to come to him for his satisfaction in some scruples of conscience, Dr. Juxon, bishop of London, was ordered to go to his majesty.

Great seal. Order that the commoners, commissioners of the great seal, should issue forth writs for adjourning of the term, though the lords' commissioners did not join with them.

High court of justice. The high court of justice sat in the place in Westminster-hall made for them, the president had the sword and mace carried before him, and twenty gentlemen attended as his guard, with partisans, commanded by colonel Fox.

After an *Oyes*, and silence made, the act of the commons of England for sitting of the court was read, and the court was called, sixty of the members appeared.

The king was brought from St. James's to Whitehall, and from thence by water, guarded with musketeers in boats, to sir Robert Cotton's house, near Westminster-hall, and from thence to the bar of the court, attended by colonel Hacker, with about thirty officers and gentlemen with halberts.

At his coming to the foot of the stairs he was met with the mace of the court, and conducted to a chair within the bar, where he sat down in the face of the court, they all being covered as well as his majesty.

The lord president in a short speech acquainted the king with the cause of his bringing thither, in order to his trial, upon a charge against him by the commons of England, which was then to be read, and his majesty to give his answer thereunto.

The king offered to speak before reading of the charge, but upon some interruption was silent, and the charge was read.

By which he was charged in the name of *Charles Stuart king of England*, as guilty of all the blood that had been shed at Kenton, Brentford, Newbury, and other places, where he had been present in arms against the parliament, and other particulars very large.

The king smiled at the reading of his charge, and after it was read, demanded of the president by what lawful authority he was brought thither, and being answered, *In the name of the commons of England.*

He replied, he saw no lords there which should make a parliament, including the king; and urged, that the kingdom

of England was hereditary and not successive, and that he should betray his trust if he acknowledged or made answer to them, for that he was not convinced that they were a lawful authority.

After he had been often demanded to answer and refused, he was remanded to sir Robert Cotton's house, and thence to St. James's, and the high court adjourned, and kept a fast together at Whitehall.

Sir Thomas Widdrington seemed to scruple the signing of warrants without the lords, for adjourning of the term.

22. The commissioners of Scotland delivered some papers to the house, and declared that Scotland had an undoubted interest in the person of the king; that he was not delivered to the English commissioners at Newcastle for the ruin of his person, but for a speedier settlement of the peace of his kingdom. Scotland.

That they extremely dissent, and declare against the trial of him, and that this present way of proceeding against him leaves a deep impression on them, and sits heavy on all their spirits, in regard of the great miseries that are like to ensue upon the kingdoms. And they moved for leave of the house to make their personal addresses to the king.

The house referred it to a committee to draw up an answer to the parliament of Scotland.

This declaration with some papers from the parliament of Scotland were likewise presented by their commissioners to the lord general.

A letter to the general from the officers before Pontefract-castle, concurring in the action of trying the king, secluding the members of parliament who carried on corrupt designs, and acknowledging the present proceedings of the army to be the work of God alone. Army.

The high court of justice sat, and the king was again brought to the bar. High court of justice.

Mr. Coke, solicitor-general, moved,

That whereas the prisoner had refused to make answer to the charge against him, that now he might be directed to make a positive answer, either by way of confession or negation, which if he should refuse to do, that the matter of the charge may be taken *pro confesso*, and the court may proceed according to justice. 371

The president then required the king to answer to the

charge against him by the commons of England, of high treason, &c.

The king confessed, when he was last here, he made the question of their authority, and should have satisfied himself with the protestation he then made against the legality of this court, and that a king cannot be tried by any superior jurisdiction on earth;

But, he said, it was not his case alone that he stood for, but the freedom of all the people of England, for if power without law may make or alter law, no subject can be safe for his life, or any thing that he calls his own.

Then he said, he would give his reasons why in conscience, and the duty he owed to God first, and his people next, for the preservation of their lives, liberties, and estates, he conceived he could not answer till he was satisfied with the legality of it.

President. Sir, I must interrupt you, which I would not do, but that what you do is not agreeable to the proceedings of any court, you appear as a prisoner before this court, and are not to dispute their authority, but to give a punctual answer to the charge.

King. Sir, by your favour, I do not know the forms of law, I do know law and reason, though I am no lawyer professed, but I know as much law as any gentleman in England; and therefore, under favour, I do plead for the liberties of the whole people of England more than you do; and therefore, if I should impose a belief upon any without reasons given for it, it were unreasonable; but I must tell you that reason that I have, as thus informed, I cannot yield unto it.

President. Sir, I must interrupt you, you may not be permitted; you speak of law and reason, it is fit there should be law and reason, and there is both against you. Sir, the vote of the commons of England in parliament is the reason of the kingdom, by law you should have ruled and reigned.

Sir, you are not to dispute our authority, you are told it again by the court; sir, it will be taken notice of that you stand in contempt, and your contempt will be recorded.

King. I do not know how a king can be a delinquent, let me tell you, they may put in demurrers against any proceedings as legal, and I demand that, and to be heard with my reasons, if you deny that, you deny reason.

President. Sir, you have offered something to the court, I shall speak something to you, the sense of the court: sir, neither you, nor any man are permitted to dispute that point; you are concluded, you must not demur to the jurisdiction of the court, if you do, I must let you know that they overrule your demurrer, they sit here

by the authority of the commons of England: and all your predecessors and you are responsible to them.

King. I deny that, show me one precedent.

President. Sir, you ought not to interrupt while the court is speaking to you; this point is not to be debated by you, neither will the court permit you to do it; if you offer it by way of demurrer to the jurisdiction of the court, they have considered of their jurisdiction, and do affirm their own jurisdiction.

King. I say, sir, by your favour, that the commons of England were never a court of judicature; I would know how they came to be so.

President. Sir, you are not permitted to go on in that speech and these discourses.

Then the clerk of the court read this aloud:

Charles Stuart, king of England, you have been accused on the behalf of the people of England of high treason and other crimes; the court have determined that you ought to answer the same.

King. I will answer the same, so soon as I know by what authority you do this.

President. If this be all that you would say, then, gentlemen, you that brought the prisoner hither, take charge of him back again.

King. I do require that I may give in my reasons why I do not answer, and give me time for that.

President. It is not for prisoners to require.

King. Prisoners! sir, I am not an ordinary prisoner.

President. The court hath considered of their jurisdiction, and they have already affirmed their jurisdiction; if you will not answer, we shall give order to record your default.

King. You never heard my reasons yet.

President. Sir, your reasons are not to be heard against the highest jurisdiction.

King. Shew me what jurisdiction, where reason is not to be heard.

President. Sir, we show it you here, the commons of England; and the next time you are brought, you will know more of the pleasure of the court, and, it may be, their final determination.

King. Show me wherever the house of commons were a court of judicature of that kind.

President. Sergeant, take away the prisoner.

King. Well, sir, remember that the king is not suffered to give in his reasons for the liberty and freedom of all his subjects.

President. Sir, you are not to have liberty to use this language, how great a friend you have been to the laws and liberties of the people, let all England and the world judge.

King. Sir, under favour, it was the liberty, freedom, and laws of the subject that ever I took to defend myself with arms; I never took up arms against the people, but for the laws.

President. The command of the court must be obeyed, no answer will be given to the charge.

King. Well, sir.

Then the officers guarded the king back again to sir Robert Cotton's house, and the court adjourned.

Commissioners of the great seal.

The commissioners met at Mr. Browne's house, the clerk of the parliament, where the great seal lay, and there sir Thomas Widdrington and I, without the two lords, did sign a warrant for writs to adjourn the term; the two lords' commissioners were present; though they did not join in this, yet they did in other business.

There were strict guards, many soldiers, and a great press of people at the trial of the king. The house sat only to adjourn. Some who sat on the scaffolds about the court at the trial (particularly the lady Fairfax, the lord-general's wife) did not forbear to exclaim aloud against the proceedings of the high court, and the irreverent usage of the king by his subjects, insomuch that the court was interrupted, and the soldiers and officers of the court had much to do to quiet the ladies and others.

Lady Fairfax.

23. Report of an ordinance that where, upon indictments, &c. it was formerly said, "contrary to the peace of our sovereign lord the king, his crown, and dignity," it should now be said, "against the peace, justice, and council of England."

Style.

That writs out of the chancery should go in the name of
372 the chancellor, or keepers of the seal, and in other courts in the name of the judges.

High court of justice.

The high court of justice sat, Mr. Coke, solicitor-general, moved,

That whereas the prisoner, instead of giving answer to the charge against him, did still dispute the authority of the court, that according to the law, if a prisoner shall stand as contumacious in contempt, and shall not give an issuable plea, guilty or not guilty, whereby he may come to a fair trial, that as by an implicit confession, it may be taken *pro confesso*, as it hath been done to those who deserved more favour than the prisoner, and that therefore speedy judgment be pronounced against him.

President. Sir, you have heard what is moved by the council in

behalf of the kingdom against you. Sir, you may well remember, and if you do not, the court cannot forget, what dilatory dealings the court hath found at your hands: you were pleased to propound some questions, you had your resolution upon them.

You were told, over and over again, that the court did affirm their own jurisdiction, that it was not for you nor for any other man to dispute the jurisdiction of the supreme and highest authority of England, from which there is no appeal; and touching which there must be no dispute; yet you did persist in such carriage, as you gave no manner of obedience, nor did you acknowledge any authority in them, nor the high court that constituted this court of justice.

Sir, I must let you know from the court, that they are very sensible of these delays of yours, and that they ought not, being thus authorized by the supreme court of England, to be thus trifled withal, and that they might in justice, if they pleased, and according to the rules of justice, take advantage of these delays, and proceed to pronounce judgment against you.

Yet nevertheless they are pleased to give direction, and on their behalfs I do require you, that you make a positive answer to this charge that is against you, sir, in plain terms, (for justice knows no respect of persons,) you are to give your positive and final answer in plain English, whether you be guilty or not guilty of these treasons laid to your charge.

King. (After a little pause.) When I was here yesterday, I desired to speak for the liberties of the people of England; I was interrupted; I desire to know yet whether I may speak freely or not.

President. Sir, you have had the resolution of the court upon the like question that last day, and you were told, that having such a charge of so high a nature against you, and your work was, that you ought to acknowledge the jurisdiction of the court, and to answer to your charge.

Sir, if you answer to your charge, which the court gives you leave now to do, though they might have taken the advantage of your contempt, yet if you be able to answer to your charge, when you have once answered, you shall be heard at large, make the best defence you can.

But, sir, I must let you know from the court, as their commands, that you are not to be permitted to issue out into any other discourses, till such time as you have given a positive answer concerning the matter that is charged upon you.

King. For the charge, I value it not a rush, it is the liberty of the people of England that I stand for; for me to acknowledge a new

court, that I never heard of before ; I that am your king, that should be an example to all the people of England, to uphold justice, to maintain the old laws, indeed, I do not know how to do it.

You spake very well the first day that I came here on Saturday, of the obligations that I had laid upon me by God, to the maintenance of the liberties of my people ; the same obligation you spake of, I do acknowledge to God, that I owe to him and to my people, to defend as much as in me lies the ancient laws.

Therefore until that I may know that this is not against the fundamental laws of the kingdom, by your favour, I can put in no particular answer ; if you will give me time, I will show you my reasons why I cannot do it, and thus——

Here being interrupted, he said,

By your favour, you ought not to interrupt me ; how I came here I know not, there is no law for it, to make your king your prisoner, I was in a treaty upon the public faith of the kingdom, that was the known——two houses of parliament, that was the representative of the kingdom, and when that I had almost made an end of the treaty, then I was hurried away, and brought hither, and therefore——

Here the president said,

Sir, you must know the pleasure of the court.

King. By your favour, sir,——

President. Nay, sir, by your favour you may not be permitted to fall into these discourses ; you appear as a delinquent ; you have not acknowledged the authority of the court ; the court craves it not of you, but once more they command you to give your positive answer——Clerk, do your duty.

King. Duty, sir.

Then the clerk read a paper, requiring the king to give a positive and final answer by way of confession or denial of the charge.

King. Sir, I say again to you, so that I might give satisfaction to the people of England of the clearness of my proceedings, not by way of answer, nor in this way, but to satisfy them that I have done nothing against that trust that hath been committed to me, I would do it ; but to acknowledge a new court, against their privileges, to alter the fundamental laws of the kingdom, sir, you must excuse me.

President. Sir, this is the third time that you have publicly disavowed this court, and put an affront upon it ; but how far you have preserved the liberties of the people, your actions have spoke it ; but truly, sir, men's intentions ought to be known by their actions ; you

have written your meaning in bloody characters throughout the kingdom.

But, sir, you understand the pleasure of the court.

Clerk, record the default.

And, gentlemen, you that took the charge of the prisoner, take him back again.

King. I will say this one word more to you, if it were my own particular, I would not say any more to interrupt you.

President. Sir, you have heard the pleasure of the court, and you are (notwithstanding you will not understand it) to find that you are before a court of justice.

Then the king went forth with his guards to sir Robert Cotton's house, where he lay.

24. The house only met and adjourned.

The high court of justice was expected to sit, but they sent an usher to tell the people there assembled, that the court was busy in the painted chamber, examining witnesses in relation to the present affairs, and should not sit in Westminster-hall that day, but that all persons appointed to be there were to appear on further summons. High court of justice.

About four o'clock this afternoon all the judges, by appointment, met at Sergeant's Inn to advise with the committee about the new style of writs; in which matter the judges seemed not to be very forward to join with us. 373 Style.

25. The house met and adjourned.

The high court of justice met, and proceeded in examination of witnesses to prove the charge against the king; some proved that they saw him present at the setting up of his standard; others, that they saw him in the field, in several fights, with his sword drawn. High court of justice.

The parliament of Paris proclaimed the cardinal Mazarine a disturber of the public peace, and enemy to the king and kingdom. France.

In the evening I met at Sergeant's Inn with the committee to receive the judges' answer concerning the alteration in the style of writs. Style.

The judges answered, that because of their oaths they could not advise in this business, being it was an alteration of the government of the kingdom; but with this answer the committee went away not well satisfied.

Heads of the charge.

26. The heads of the charge against the king were published by leave in this form:

That Charles Stuart, being admitted king of England, and therein trusted with a limited power to govern by and according to the laws of the land, and not otherwise, and by his trust being obliged, as also by his oaths and office, to use the power committed to him for the good and benefit of the people, and for the preservation of their rights and privileges;

Yet nevertheless, out of a wicked design to erect and uphold himself in an unlimited and tyrannical power, to rule according to his will, and to overthrow the rights and liberties of the people, yea, to take away and make void the foundations thereof, and of all redress and remedy of misgovernment, which by the fundamental constitutions of this kingdom were reserved, on the people's behalf, in the right and power of frequent and successive parliaments, or national meetings in council:

He the said Charles Stuart, for accomplishment of his designs, and for the protecting of himself and his adherents in his and their wicked practices to the same ends, hath traitorously and maliciously levied war against the present parliament, and the people therein represented, more particularly . . . . . .

Then they named Nottingham, Beverly, and other places where fights were, and go on:

That he hath caused and procured many thousands of the free people of the nation to be slain, and by divisions, parties, and insurrections within this land, and by invasions from foreign parts, endeavoured and procured by him, and by many other evil ways and means . . . . . .

His giving commissions to his son the prince, and other rebels and revolters, both English and foreigners, and to the earl of Ormond, and to the Irish rebels and revolters associated with him, from whom further invasions upon this land are threatened upon the procurement and on the behalf of the said Charles Stuart.

All which wicked designs and evil practices of him the said Charles Stuart have been and are carried on for the advancing and upholding of the personal interest of will and power, and pretended prerogative to himself and family, against the public interest, common right, liberty, justice, and peace of the people of this nation, by and for whom he was intrusted as aforesaid.

By all which it appeareth that he, the said Charles Stuart, hath been and is the occasioner, author, and contriver of the said unna-

tural, cruel, and bloody wars; and therein guilty of all the treasons, murders, rapines, burnings, spoils, desolations, damage, and mischief to this nation, acted or committed in the said wars, or occasioned thereby.

I met with Mr. Prideaux and others, at Mr. Lisle's house, about the ordinance for settling the court of justice, and there it was drawn.

Mr. Pierrepoint still kept in his station, though dissatisfied with present proceedings; so was sir Thomas Widdrington: we had much discourse together about these affairs.

27. The high court of justice sat in Westminster-hall, the president in his scarlet robe, and many of the commissioners in their best habit. High court of justice.

After the calling the court, the king came in, in his wonted posture, with his hat on; as he passed by in the hall, a cry was made, *Justice, justice! Execution, execution!* This was by some soldiers, and others of the rabble.

The king desired to be heard; the president answered, that he must hear the court: and sets forth the intentions of the court to proceed against the prisoner; and withal offered that the king might speak, so it were not matter of debate.

The king desired, that in regard he had something to say for the peace of the kingdom and liberty of the subject, before sentence were given, he might be heard before the lords and commons in the painted chamber.

Upon this the court withdrew into the court of wards, and the king to sir Robert Cotton's house; and after about an hour's debate they returned again into Westminster-hall.

The court resolved, that what the king had tendered, tended to delay; yet if he would speak anything for himself in court, before sentence, he might be heard.

Many of the commissioners, in the debate of it in the court of wards, were against this resolution, and pressed to satisfy the king's desire, and themselves to hear what the king would say to them in the painted chamber, before sentence; but it was voted by the major part in the negative. Upon which colonel Harvey and some others of the commissioners went away in discontent, and never sat with them afterwards. This proposal of the king's being denied by the commissioners, the king thereupon declared himself, that he had nothing more to say.

Then the president made a large speech of the king's misgovernment, and that by law kings were accountable to their people, and to the law, which was their superior; and he instanced in several kings who had been deposed and imprisoned by their subjects, especially in the king's native country, where, of one hundred and nine kings, most were deposed, imprisoned, or proceeded against for misgovernment; and his own grandmother removed, and his father, an infant, crowned.

After this the clerk was commanded to read the sentence, which recited the charge, and the several crimes of which he had been found guilty:

For all which treasons and crimes, the court did adjudge, that he the said Charles Stuart, as a tyrant, traitor, murderer, and public enemy, shall be put to death by the severing of his head from his body.

The king then desired to be heard, but it would not be permitted, being after sentence; and as he returned through the hall, there was another cry for *Justice and Execution!*

Here we may take notice of the abject baseness of some vulgar spirits, who, seeing their king in that condition, en-
374 deavoured, in their small capacity, further to promote his misery, that they might a little curry favour with the present powers, and pick thanks of their then superiors.

Some of the very same persons were afterwards as clamorous for justice against those that were the king's judges.

A prince is not exempt from the venom of these mad dogs.

Style. The act passed for altering the forms of writs, and other proceedings in courts of justice, which were before in the name of the king, and no concurrence of the lords was desired.

Proclamation. A committee appointed to draw a proclamation to declare it high treason for any to proclaim any king of England without assent of the parliament; and none to preach or speak any thing contrary to the present proceedings of the supreme authority of this nation, the commons of England assembled in parliament, under pain of imprisonment, and such other punishments as shall be thought fit to be inflicted on them.

The king desired, that in respect sentence of death was passed upon him, and the time of his execution might be

nigh, that the house would give him leave to see his children; and that he might have Dr. Juxon to be private with him in his chamber, and to give him the sacrament.

This was ordered accordingly, and Dr. Juxon preached before the king in his private lodgings this night at Whitehall.

I was much troubled at the passing of sentence of death against the king, and heartily prayed that it might not be executed.

28. The commissioners of the high court of justice kept a fast in the chapel at Whitehall.

29. The house sat early, and one of the secluded members coming in, they voted, that such members as 5 December last voted that the king's concessions were a ground of settling peace in this nation should not be readmitted, but disabled to sit as members for the future. Secluded members.

The Dutch ambassadors had their audience in the house; they read their instructions and credentials in French, and promised copies of them in English to-morrow, but would not part with the originals. Dutch ambassadors.

Their business was to intercede for the king's life, and to preserve a fair correspondence betwixt this nation and the States.

An act passed for alteration of names and forms in writs, grants, patents, proceedings in courts, &c. Style.

That in England, Ireland, and Berwick, &c., instead of the style, title, and *teste* of the king, shall be used *Custodes libertatis Angliæ, authoritate parliamenti, &c.*

That the date shall be *the year of our Lord*, and no other.

That instead of the former words *Juratores pro Domino rege &c.*, the words now to be used shall be *Juratores pro republica.*

Instead of the words, *Contra pacem, dignitatem, vel coronam nostram*, the words shall be, *Contra pacem publicam.*

That all writs, patents, commissions, &c. shall stand good, notwithstanding the death of the king.

The high court of justice sat, and appointed the time and place for the execution of the king.

The king's children came from Sion-house to visit him at St. James's; he took the princess in his arms, and kissed her, and gave her two seals with diamonds, and prayed for King's children.

the blessing of God upon her and the rest of his children; and there was great weeping.

The prince elector, the duke of Richmond, and others, made suit to see him, which he refused.

Letters from Scotland, that the ministers there preach against the army in England, and the proceedings against their king; they say they are bound by their covenant to preserve monarchy, and that in the race of the present king.

That their parliament have passed several votes against those that were in the late engagement against England.

Letters, that prince Rupert was at sea with about fourteen of the revolted ships, and took divers merchant-men, the parliament having no ships abroad.

The commissioners met at Mr. Browne's house, where the seal lay, to have had a private seal, but by reason of my lord Grey's absence, who had the key, and because of the sentence given against the king, we did not seal any thing, but we heard divers petitions.

30. The king walked from St. James's through the park, guarded with a regiment of foot and partisans, to Whitehall.

Divers gentlemen went bare before him, Dr. Juxon followed next to him, and colonel Thomlinson had the charge of him; they brought him to the cabinet-chamber, where he continued at his devotion.

He refused to dine, having before taken the sacrament, but about twelve o'clock at noon he drank a glass of claret wine, and eat a piece of bread; from thence he went with Dr. Juxon, colonel Thomlinson, colonel Hacker, and the guards, through the banqueting-house, adjoining to which the scaffold was erected; it was hung round with black, and the floor covered with black, and the axe and block laid in the middle of it.

Divers companies of foot and horse were on every side of the scaffold, and great multitudes of people came to be spectators: the king looked earnestly on the block, asked if there were no place higher, and, directing his speech to the gentlemen upon the scaffold, he spake to this effect:

King's speech.

I shall be very little heard of anybody here, I shall therefore speak a word unto you here; indeed I could hold my peace very

well, if I did not think that holding my peace would make some men think that I did submit to the guilt as well as to the punishment; but I think it is my duty, to God first, and to my country, for to clear myself, both as an honest man, and a good king, and a good Christian.

I shall begin first with my innocency; in troth, I think it not very needful for me to insist long upon this, for all the world knows that I never did begin a war with the two houses of parliament, and I call God to witness, to whom I must shortly make an account, that I never did intend for to encroach upon their privileges.

They began upon me; it is the militia they began upon; they confessed that the militia was mine, but they thought it fit to have it from me; and to be short, if anybody will look to the dates of commissions, theirs and mine, and likewise to the declarations, they will see clearly that they began these unhappy troubles, not I.

So that as to the guilt of these enormous crimes that are laid against me, I hope in God, that God will clear me of it; I will not, I am in charity, God forbid that I should lay it upon the two houses of parliament; there is no necessity of either.

I hope they are free of this guilt, for I do believe that ill instru- 375
ments between them and me have been the chief cause of all this bloodshed; so that by way of speaking, as I find myself clear of this, I hope and pray God that they may too.

Yet for all this, God forbid that I should be so ill a Christian, as not to say that God's judgments are just upon me; many times he does pay justice by an unjust sentence, that is ordinary; I only say this, that an unjust sentence that I suffered for to take effect is punished now by an unjust sentence upon me; that is, so far I have said, to show you that I am an innocent man.

Now for to show you that I am a good Christian, I hope there is a good man (pointing to Dr. Juxon) that will bear me witness that I have forgiven all the world, and even those in particular that have been the chief causers of my death; who they are, God knows; I do not desire to know; I pray God forgive them.

But this is not all, my charity must go further; I wish that they may repent, for indeed they have committed a great sin in that particular; I pray God, with St. Stephen, that this be not laid to their charge; nay, not only so, but that they may take the right way to the peace of the kingdom; for charity commands me not only to forgive particular men, but to endeavour to the last gasp the peace of the kingdom. So, sirs, I do wish with all my soul, and I do hope there is some here that will carry it further, that they may endeavour the peace of the kingdom.

Now, sirs, I must show you both how you are out of the way, and

will put you in a way; first you are out of the way, for certainly all the way you ever have had yet, as I could find by any thing, is in the way of conquest.

Certainly this is an ill way, for conquest, sirs, in my opinion, is never just, except there be a good just cause, either for matter of wrong or just title, and then if you go beyond it, the first quarrel that you have to it, that makes it unjust at the end that was just at first.

But if it be only matter of conquest, then it is a great robbery as a pirate said to Alexander, that he was a great robber, he was but a petty robber; and so, sirs, do I think the way that you are in is much out of the way.

Now, sirs, to put you in the way, believe it, you will never do right, nor God will never prosper you, until you give him his due, the king his due, (that is, my successors,) and the people their due—I am as much for them as any of you can be.

You must give God his due, by regulating rightly his church, (according to his scripture,) which is now out of order; for to set you in a way particularly now I cannot, but only this, a national synod freely called, freely debating among themselves, must settle this, when that every opinion is freely and clearly heard.

For the king, indeed I will not—then turning to a gentleman that touched the axe he said,—Hurt not the axe that may hurt me.

For the king, the laws of the land will clearly instruct you for that, therefore because it concerns my own particular, I only give you a touch of it.

For the people, and truly I desire their liberty and freedom as much as any body whomsoever, but I must tell you, that their liberty and their freedom consists in having of government, those laws by which their life and their goods may be most their own.

It is not for having share in government, sirs, that is nothing pertaining to them, a subject and a sovereign are clean different things, and therefore until they do that, I mean that you do put the people in that liberty as I say, certainly they will never enjoy themselves.

Sirs, it was for this that now I am come here, if I would have given way to an arbitrary way, for to have all laws changed, according to the power of the sword, I needed not to have come here, and therefore I tell you (and I pray God it be not laid to your charge) that I am the martyr of the people.

In troth, sirs, I shall not hold you much longer, for I will only say this to you, that in troth I could have desired some little time longer, because that I would have put this that I have said in a little more

order, and a little better digested it than I have done, and therefore I hope you will excuse me: I have delivered my conscience: I pray God that you do take those courses that are best for the good of the kingdom and your own salvation.

Then Dr. Juxon spake: Dr. Juxon.

Will your majesty, though it may be very well known your majesty's affections to religion, yet it may be expected that you should say somewhat for the world's satisfaction.

King. I thank you very heartily, my lord, for that, I had almost forgotten it. In troth, sirs, my conscience in religion I think is very well known to the world, and therefore I declare before you all that I die a Christian, according to the profession of the church of England, as I found it left me by my fathers; and this honest man I think will witness it.

Then turning to the officers he said,

Sirs, excuse me for this same; I have a good cause, and I have a gracious God; I will say no more.

Then turning to colonel Hacker, he said,

Take care that they do not put me to pain, and, sir, this, and it please you.

Then a gentleman coming near the axe, the king said,

Take heed of the axe, pray take heed of the axe.

Then he said to the executioner,

I shall say but very short prayers, and then thrust out my hands.

Two men in disguises and vizors stood upon the scaffold for executioners.

Then the king called to Dr. Juxon for his nightcap, and having put it on, he said to the executioner, "Does my hair trouble you?" He desired it might all be put under the cap, which the king did accordingly, by the help of the executioner and the bishop.

Then the king turning to Dr. Juxon said,

I have a good cause and a gracious God on my side.

Dr. Juxon. There is but one stage more, this stage is turbulent and troublesome, it is a short one, but you may consider it will soon carry you a very great way, it will carry you from earth to heaven, and there you shall find a great deal of cordial joy and comfort.

King. I go from a corruptible to an incorruptible crown, where no disturbance can be.

Dr. Juxon. You are exchanged from a temporal to an eternal crown, a good exchange.

Then the king took off his cloak and his george, which he gave to Dr. Juxon, saying, *Remember* —— some other small ceremonies were passed, after which the king stooping down laid his neck upon the block, and after a very little pause, stretching forth his hands, the executioner at one blow severed his head from his body.

The king died with true magnanimity and Christian patience; his body was put in a coffin, covered with black velvet, and removed to his lodging chamber in Whitehall. At this
376 scene were many sighs and weeping eyes, and divers strove to dip their handkerchiefs in his blood, as in the blood of a martyr.

Dutch ambassadors. The house sat early, and the Dutch ambassadors having sent them a transcript of their embassy in English, it took up much time in the reading, and was referred to a committee to draw up the answer to it.

An act passed to prohibit any to proclaim the prince of Wales or any other to be king or chief magistrate of England or Ireland, without consent of parliament, on pain of high-treason.

Some imperfect copies of the proceedings at the trial of the king being printed, the house referred it to the high court to draw up a narrative of those proceedings, to be confirmed by the house.

The act forbidding the proclaiming of any king was ordered to be sent down to all the sheriffs to be proclaimed in all counties.

I went not to the house, but stayed all day at home in my study and at my prayers, that this day's work might not so displease God as to bring prejudice to this poor afflicted nation.

Duke Hamilton and the lord Louborough escaped out of Windsor-castle.

Duke of Hamilton. 31. Between three and four o'clock this morning, letters came from Windsor to lieutenant-general Cromwell of the escape of duke Hamilton and his man the last night. Warrants were presently issued forth, and 500*l.* promised to whomsoever should secure the duke; and notice sent hereof to my lord mayor.

A messenger with one of the warrants to be sent by the post was stopped, and examined by some troopers in Southwark, whom he told of the escape of duke Hamilton.

Not long after, as these troopers marched about the streets, they perceived a man knocking very earnestly at an inn gate in Southwark, and asked him what he was, and his business; he answered that he came to Dover carrier who lodged there, and he was to go down with the carrier in his waggon.

The troopers more strictly observing him, one of them told him that he believed he was a Scotchman, and that he had seen him in Hamilton's army, which he denied; but presently another of the troopers said plainly he believed that it was Hamilton himself, though disguised, for he very well knew his favour, and was at the taking of him; and they had heard a little before that he had escaped out of Windsor-castle.

Hereupon they presently searched him, and found about him 40*l.* in gold, a diamond ring valued at 100*l.*, and other good prize for the troopers, who this morning brought him by water to Whitehall, where a strong guard was put upon him.

The house gave 120*l.* to the troopers who apprehended the duke, besides what they found about him.

Sir Lewis Dives escaped the last night, and Mr. Holder, the prince's agent, escaped through the house of office in Whitehall standing over the Thames.

The escapes of these persons put the house in debate of bringing Hamilton, the earl of Holland, Laughern, Poyer, Powell, and other chief delinquents to a speedy trial.

They appointed a committee to bring in an act for constituting a court for the trial of these persons, and ordered the earl of Holland to be forthwith removed to London.

This being the monthly fast-day, it was moved in the house, when they sat after the sermons, to have two ministers appointed to preach (as was usual) the next fast-day, but some held the course of keeping a constant monthly fast not to be so proper, but savouring of too much formality, and that it was fitter to appoint days of public humiliation upon special occasions; upon debate whereof, no ministers were named to preach the next monthly fast-day. Monthly fast.

February 1648.

Secluded members.

1. The act passed, That such members as had voted, 5 December last, that the late king's concessions to the propositions were a sufficient ground for settling a peace in this nation, should not be readmitted to sit as members of this parliament.

And that such members as were then in the house, and gave their votes in the negative, should enter their dissent to the said vote; and such as were absent, to declare their disapproving thereof before they be admitted to sit as members.

Many members declared their dissent to that vote.

Vote duke Hamilton, &c.

Voted that duke Hamilton, the earl of Holland, lord Goring, lord Capel, and colonel Owen, shall be the next persons to be proceeded against for justice.

Lord Capel.

After this, the lord Capel, by a desperate attempt, escaped this evening out of the Tower over the moat; and warrants were sent out, and 100*l.* promised to any that should take him.

Lords.

A message from the lords for a committee to be named of both houses to consider of a way to settle this nation; order to consider to-morrow whether the lords' messenger should be called in or not; and whether the house should take any cognizance thereof.

Order for adjourning the term for eight days.

Surrey petition.

A petition from Surrey,

That the militia may be put into faithful hands, and neuters, and suspected persons rendered uncapable of trust.

That magistrates and officers may be chosen by the well-affected persons, and delinquents neither to choose nor to be chosen.

That tithes may be taken off, and a more just way provided for the maintenance of the ministry.

That a committee for accounts may be in each county, and that free quarter may be taken off.

This petition was referred to a committee, and the house took notice of the seasonableness of it, and the good affections of the petitioners, and gave them thanks.

The high court met to prepare matters for the trial of duke Hamilton, the earl of Holland, and others.

The commissioners of the seal met, but did not think fit

to seal any writs, or do any business because of the king's death.

I stayed in the house of commons from morning till night, and there declared my disapprobation of the vote of 5 December last: the like was also then done by sir Thomas Widdrington and many other members.

2. A petition from Kent to the same effect with that of Surrey, referred to the committee for settlement, and the petitioners had thanks. Kent's petition.

Vote for this summer's fleet to be seventy-three sail of ships, and about six thousand men; this upon conference with merchants, and for dispersing the prince's fleet, and encouragement of trade; orders for victuals and money for this fleet. 377

Divers members of the parliament, of the army, of the city, and private gentlemen, in all to the number of sixty, whereof fifteen to be of the quorum, were by act made a high court of justice for trial of duke Hamilton, the earl of Holland, and others. High court of justice.

Order for establishing colonel Henry Martin's regiment.

Upon the Dutch ambassadors' desire, ordered, that what was delivered by them to the house, in relation to their embassy, may not be printed.

Order for colonel Reynold's regiment to be completed, and added to the establishment.

3. The act passed for the new high court of justice.

Divers members entered their dissent to the vote 5 December last.

Two watermen of London discovered and apprehended the lord Capel in a house at Lambeth: the house gave forty pounds to the watermen.

5. Debate till six o'clock at night, whether the house of lords should be continued a court of judicature or a court consultatory only, and whether it should be referred to a committee to consider what power or constitution the lords should have; and it being dark, it was upon the question carried in the negative, not to have candles; and the debate adjourned till to-morrow. House of lords.

The lords sent again for a committee of both houses to consider of settling the kingdom, but their messengers were not called in.

Dutch ambassadors. An answer agreed to the Dutch ambassadors, returning thanks to the States, for their desire of continuing amity with this kingdom, professing their desire of the like, and care to continue the same.

They thanked them also for their grave advice concerning the king, and let them understand, that the commons of England had proceeded according to the laws of the land in what they had done; and as they leave all other nations and kingdoms to move according to their rights and laws, so they hope none will think ill if they act according to those of England, and that they shall be always ready to show themselves friends to the United Provinces.

High court of justice. The high court of justice sat in the painted chamber, and elected the lord president and officers, as were before; they agreed upon a proclamation:

That they had adjourned themselves till to-morrow morning in the painted chamber, and such who had any evidence to give against the earl of Holland, earl of Cambridge, lord Goring, lord Capel, and sir John Owen, or any of them, were to repair thither, where they might be heard.

Pamphlets. A committee to examine the authors and publishers of a pamphlet, and such as have preached, printed, and published seditiously the proceedings in bringing the king to justice, and to prepare an act to restrain the preaching and printing any thing against the proceedings of the house and of the high court of justice.

Scotland. Letters from Scotland, that the parliament and priests there are at much variance; that they bring all to the stool of repentance that were in the last invasion of England, yet they are now as much as ever enemies to the proceedings of the parliament and army in England.

That they talk big of raising an army in revenge of the king's blood, and all will join unanimously against the sectaries of England, and ground themselves upon breach of the covenant.

Letters from Newcastle, that many ships were loaden with coals for London, and the coast clear, and their governor sir Arthur Haselrigge and some officers of the garrison were gone for London.

Letters from Pontefract, that upon notice of the king's

execution, the garrison made a stout sally, but were beaten in again.

In the house the debate was long and smart concerning the lords' house.

I informed them out of records and histories as well as I could of their constitution: some desired notes of my speech, and had them.

6. Debate concerning the house of lords, and the question being put, whether the house of commons should take the advice of the house of lords in the exercise of the legislative power of the kingdom, it was carried in the negative by many voices. Debate. House of lords.

Then they voted, that the house of peers in parliament is useless and dangerous, and ought to be abolished, and that an act be brought in to this purpose. Voted useless.

A committee named to draw up an act for making the estates both of the late members of peers, and likewise of the house of commons, liable to the law for payment of all debts. Debts.

Referred to a committee to consider of a way to take away all appeals to the lords, and to discharge all persons committed by them in relation thereunto, and how the peers may be elected burgesses and knights to serve in the house of commons.

Debate what government to set up in England and Ireland, and whether kingship should be abolished or not.

Divers sheriffs made scruple of acting in their office, because of the death of the king: order for instructions to be drawn up therein.

Order for sergeant Bradshaw to make a deputy in Guildhall, where he is judge, in regard of his employment in the high court.

The accounts allowed of the charges of the king's trial.

Letters that the Irish pirates take divers vessels at sea from the English; and that the several parties in Ireland are agreed to carry on the designs of the prince of Wales. Ireland.

It was put upon me to draw an act to take away the house of lords, wherein I desired to have been excused in regard I was not in the house when the vote passed, and had declared my opinion against it, but I could not get excused.

7. Debate whether the government by kings should be Debate.

abolished, and upon the question whether it should be referred to a grand committee of the whole house, it was carried in the negative.

Then after a long and quick debate, they passed this vote:

Vote. Resolved upon the question by the commons of England in parliament assembled,

That it hath been found by experience, and this house doth declare, that the office of a king in this nation, and to have the power thereof in any single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people of this nation, and therefore to be abolished, and that an act be brought in to that purpose.

Council of state. A committee appointed to bring in names of persons, not exceeding forty, to be a council of state.

Instructions passed for drawing new commissions for the judges, the new great seal being ready.

Commissions. The judges appointed to meet with the speaker, and a committee of the house about the judges' commissions.

378 The high court of justice sat, receiving witnesses and preparing the charges against the five persons to be tried.

The earl of Holland sent up by post, that he was dangerously sick at Warwick-castle.

The corpse of the late king was removed from St. James's to Windsor, to be interred in St. George's chapel there, and moneys allowed for it.

Great seal. An act appointed to be brought in to make sir Thomas Widdrington and me commissioners of the new great seal, with a blank for others to be added.

Judges. 8. Instructions passed for commissions to the judges, of whom six agreed to hold, viz. Rolles, Jermyn, St. John, Pheasant, Wilde, and Yates, provided that by act of the commons the fundamental laws be not abolished.

The other six judges, viz. Bacon, Browne, Bedingfield, Creswell, Trevor, and Atkins were not satisfied to hold.

Order for altering the judges' oaths, formerly *in the name of the king*, now to be *in the people*.

A committee appointed to bring in a list of fit persons to be justices of peace in every county.

Instructions passed for rewards to such as shall bring in any of the revolted ships.

The duke of Richmond and others had leave to attend the late king's funeral at Windsor.

I attended all day in the house, whither sir Thomas Widdrington and I, without the lords who were in commission with us, yet having an act of the house of commons for it, went with the old great seal to the house. Great seal.

Mr. Malbon, the usual seal-bearer, carried it to the door, where Widdrington and I took the purse and seal in it, and both of us holding it, brought it in solemnly into the house, all the members being silent, and laid it down upon the table in the house.

Then the house passed an act for the old seal to be broken, and a workman was brought into the house with his tools, who in the face of the house, upon the floor, brake the old seal in pieces, and the house gave to Widdrington and me the pieces and purse of the old seal.

After this the house passed another act, for establishing the new great seal, to be the great seal of England.

Then they read another act to constitute sir Thomas Widdrington and me to be commissioners of the new great seal, which occasioned sir Thomas Widdrington to stand up and excuse himself very earnestly, because of his unhealthfulness; but that excuse would not be allowed. Widdrington.

Then he further excused himself by reason of some scruples in conscience, which he had concerning the acting in this high place, though he did acknowledge the authority and submit to it, and had acted by virtue of it, in signing a warrant for a writ to adjourn the term, and bringing in the new great seal without the lords' commissioners.

Upon a long debate the house did excuse Widdrington, and to manifest their respects for his former services, and that they took no notice of his scrupling their authority, they ordered that he should practise within the bar, and gave him a quarter's wages more than was due to him.

My name was next in the act, and I was to declare myself whether I would accept of this employment or not; this point I had considered with as much seriousness as I could, which the matter required, and I had often advised with my friends about it, being beforehand acquainted that I should be named for one of the commissioners. Whitelock.

The most considerable particulars were, that I was already

very deeply engaged with this party, that the business to be undertaken by me was the execution of law and justice, without which men could not live one by another; a thing of absolute necessity to be done.

Yet many objections were made against my acceptance of this place, which being mentioned by me in my speech to the house to be excused, for information of those passages I have thought fit here to insert that speech as near as I could remember it.

Mr. Speaker,

I am now to declare myself whether I will accept or refuse the highest place of ordinary judicature in the kingdom, to which your favour and good opinion hath been pleased to name me.

I shall plainly lay before you the motives that occur to me, both for the acceptance and refusal of it, and my humble suit upon them, and I shall submit all to your pleasure and judgment.

The motives I shall confine myself unto are four of either sort.

1. For my acceptance of it, may be the honour of the service, the greatness of the place, which may sway much with some others, but not with me, whose ambition is of a lower stature.

I never affected great places; it is sufficient honour to me to be a member of this honourable house; I desire no further honour; and if honour be *in honorante,* good actions will render a man more honourable than the ceremonies and pageantry of high places, which may take with some gayer spirits more than it doth with me.

2. The second motive for acceptance is the profit of the place, and that is very considerable with most men; I bless God he hath given me means convenient for me, and I hope he will bless that to me, and keep me from wasting that which must be a provision for many children.

And to me, Mr. Speaker, this is not so great a motive as it may be to others, because those that know my course can testify, that the benefit of my practice was more than the salary of this office, though I acknowledge your bounty to your servants.

3. The third motive is the command which this great officer hath over the persons and fortunes of men, which is a pleasing thing, and much sought after by men in this world, the spirit of domination being natural to us.

But, sir, in this I am of my lord of St. Alban's judgment, who holds that men in great places are so far from having command, that they are very slaves themselves, slaves to great men, and slaves to business, and cannot command so much as their own time.

4. The fourth motive is the end of the service, which is to do right and justice to men, to relieve the oppressed, to serve God, and to serve you and my country, which will be done by a due performance of the duty of this place.

And this to me, especially at this time, is the greatest and strong- 379
est motive of all others.

Yet give me leave, sir, on the other side to lay before you the motives for my refusal of this employment, which in my humble opinion do far overbalance the other.

1. The first of these motives is the trouble of the place, which hath the greatest an dmost constant labour in it of any other place in England, this shop of justice must be always open, *nullus recedat a cancellaria sine remedio.*

The business of the chancery is certainly more than of any other court, the trouble must needs be the greater, and the burden the heavier, too heavy for me to bear.

It is trouble enough, and no easy duty for one man to attend the service of this house, it is more than doubled by being a commissioner of the great seal, whereof I have some experience, and it hath brought me to be of the poet's opinion, *Beatus ille qui procul negotiis*, a condition longed for by me.

2. The second motive for my refusal is the danger of this employment, through the envy of men, more in these times than others, and through the importance of the business, in the which, as in war, *non licet bis peccare.*

There will be watchmen enough for one failing, and one party almost in every cause determined by him will be ready to accuse and condemn him; no man can sit in this place but he must expose his person and fortune to no little danger.

3. The third motive is the difficulty of this employment; some will labour to conceal or obscure the truth, as much as eloquence, learning, and subtlety can invent; and it is hard to discern the clear truth through these shadows.

The judges of the common law have certain rules to guide them; a keeper of the seals hath nothing but his own conscience to direct him, and that is oftentimes deceitful.

The proceedings in chancery are *secundum arbitrium boni viri*, and this *arbitrium* differeth as much in several men as their countenances differ.

That which is right in one man's eyes is wrong in another's; nothing is more difficult than to satisfy in judgment, and this leads me to the last and strongest motive for my refusal of this employment, which is,

4. My unfitness and want of ability to undergo it; I mention not my want of ability of body, though this place require much pains, labour, and continual attendance, and my health is not a little impaired, and my bodily infirmities increased by my late services, but I hold myself obliged to lay down my life to serve you.

I may more insist upon my want of abilities of mind to perform this great charge; and this is best known to myself, though I confess it hath been too much likewise discovered to you, both upon former occasions and at this present, and it were not fit to honour me by this place, and to dishonour yourselves by my weak execution of it.

Perhaps it may be objected, that these are but pretences, whereof you are the most proper judges; I do acknowledge that it will not become me to oppose my judgment to yours, but I am most conscious to myself of my own disabilities, and beg your consideration of them.

A greater objection is, that if I decline this service at this time, it will be a kind of disowning your authority as unwarrantable and illegal, and a giving of my judgment against your proceedings upon the present alterations made by you.

This, sir, is far from me, and I suppose I have given my testimony otherwise, in the particulars mentioned by my worthy colleague that spake last, in which I have owned your authority.

And for a strict formal pursuance of the ordinary rules of law, it hath been hardly to be discerned in any of the late proceedings on either side, in all our great and weighty transactions.

Unavoidable necessity hath put us upon those courses, which otherwise perhaps we should not have taken.

I am sure my sitting and acting here is according to the known laws of England, and that my protection at this time is only from you; therefore my obedience is only due to you, and there is no other visible authority in being but yourselves.

There are sufficient reasons to justify an obedience to your authority, which truly, sir, I do own, and not scruple at all as things now are, to act by that authority.

I only scruple my undertaking this great charge, knowing my own want to perform it as I ought to do; this place requires quick apprehension, general learning, and deep judgment, all which are wanting in me; but I see many worthy gentlemen within these walls of much greater abilities, and more completely furnished for the execution of this charge than I am.

My humble motion therefore to you is, that you will be pleased to

think of some persons more fit and worthy of this great trust than I am, and to excuse me from being one of your commissioners for the great seal of England, which is a place too high for me.

The house would not allow of my excuse, but after a little debate, the question was put, and it was voted *nemine contradicente*, that I should be one of the commissioners for the great seal.

Then Mr. John L'Isle was named to be another of the commissioners, and after a short, and no eager excuse made by him, and his high owning of their authority, (which he had sufficiently done before, as one of the high court of justice for trial of the king,) Mr. L'Isle was voted to be another of the commissioners for the great seal. Commissioners of the great seal.

Lastly, Mr. Sergeant Keeble was named to be the third commissioner of the great seal, and two of us of the quorum.

Upon debate, the time for our being commissioners was voted to be *quamdiu se bene gesserint*.

The title held some debate, whether we should be styled *commissioners*, or *lords commissioners*, and though the word *lords* was less acceptable at this time than formerly, yet that they might not seem to lessen their own authority, nor the honour of their officers constituted by them, they voted the title to be *lords commissioners;* and the act was passed presently in these words: Style.

An act of the commons assembled in parliament for committing the great seal of England into the hands and custody of commissioners.

Be it enacted by this present parliament and the authority of the same, that the great seal of England shall be committed to the keeping of Bulstrode Whitelocke, sergeant at law, Richard Keeble, sergeant at law, and John L'Isle, esq.; who are hereby appointed lords commissioners for that purpose, *quamdiu se bene gesserint*, which said persons are hereby constituted and appointed to be lords commissioners for the custody of the great seal of England during the time aforesaid, and they or any two of them, shall have, and are hereby authorized to have the custody, keeping, ordering, and disposing thereof, as also all such and the like powers and authorities, as any lord chancellor, lord keeper, or commissioners of the great seal of England for the time being, have lawfully had and used, or ought to have had or used. 380

HEN. SCOBELL, cleric. parliamenti.

Sergeant Keeble was sent for, and we three being commanded by the house to come up to the table, I went in the middle, sergeant Keeble on my right hand, and Mr. L'Isle on my left hand; there the speaker gave us our oaths, well and truly to execute the place of commissioners for the seal, and then he delivered the new great seal to us.

We put up the seal in the purse, and with the usual ceremonies and reverence, we brought it out of the house, and went into the queen's court, where we sealed it up with our seals, and went ourselves to see it locked up in the Tower in Mr. Browne's house, where it was usually laid before.

Justices of the peace.

9. Many justices of the peace scrupling to act, because their commissions were in the name of the king, a committee was appointed to consider of another form for them, and that they might be commanded to act in the name of the parliament.

The house confirmed the election of the lord general and colonel Rich to be burgesses for Cirencester, and to admit them members.

Judges.

This being the first day of the term, the six judges who were inclined to hold their places were as yet much unsatisfied, because the oaths of allegiance and supremacy were still continued, and because the house had not declared that the fundamental laws should be continued, and the judges to administer justice accordingly.

We debated these matters together, and in conclusion came to this result, that if the house would pass such a declaration, repeal the oaths of allegiance and supremacy, and alter the oath of a judge, that then they would presently sit in their places.

I told them, it would be hard to procure all this to be done in the house so soon as that they might sit in the several courts this morning, and if they should not sit this first day of the term, it would be some interruption to the course of justice, and reflect upon the parliament.

I entreated the judges to draw the declaration themselves, as they desired the house should pass it, which they did presently, and Mr. L'Isle and I went into the house, and acquainted them with the consequence of the business which they tendered to them, to be forthwith passed, to enable the six judges to sit in court this morning.

The house were so sensible of the reasonableness and fitness to give a speedy despatch to this business, that they laid aside all other, and soon voted, that the oaths of allegiance and supremacy should be null and void, made a satisfactory alteration of the oath of a judge, and passed the declaration drawn by the judges. Vote.

They were satisfied herewith, and the commissioners presently sealed their patents, and gave them the new oath of judges; then they went and sat in their several courts, and the commissioners of the seal sat in chancery.

We caused the declaration to be read, and spake to the auditory concerning the business, to give them satisfaction, and to settle their minds: this we took occasion to do in our speeches to the judges, and therein it is believed we did some service for the parliament.

Upon the desire of the committee for the revenue, the lord general granted his warrant to all officers and soldiers to suppress the cutting down and destroying of timber, and killing of deer in any of the public forests, chaces, or parks, and that if any do it, a troop of horse shall be quartered on that place to prevent the like. Timber.

10. Orders for settling the duchy seal, and about some private affairs.

Letters from Scotland of their threatening revenge for the king's blood, that some there proclaimed prince Charles king of Scotland, which was not contradicted by the parliament nor kirk there. Scotland.

The high court of justice sat in Westminster-hall, about fifty of the members present; the earl of Cambridge, lord Goring, lord Capel, and sir John Owen were brought before them, and the president made a speech to them of the occasion of their coming thither to trial for treason and other high crimes; after which, they were all commanded to withdraw, except the earl of Cambridge. High court of justice.

Then Mr. Steele, attorney-general for the commonwealth, set forth the notoriousness of the facts of the prisoner at the bar, by his invading the kingdom, committing many murders and rapines, and all under pretence of the covenant; that as the war was called *hypocritarium bellum*, so he might be called *hypocritarius princeps*. He desired the charge might be read, and that the earl might make answer to it.

After the charge read, the earl of Cambridge pleaded that he was of another nation, and what he did was as a servant to that kingdom, and not as a contriver of it; neither was he ever naturalized earl of Cambridge that he knew of; that he was a prisoner of war, and had articles given him.

The court caused the act to be read for naturalization of his father, and consequently of him, being his heir.

The lord Goring was next brought to the bar, and his charge being read to him, he pleaded *Not guilty*, and was dismissed, behaving himself with great respect to the court.

The lord Capel pleaded, that he was a prisoner to the lord general, and had conditions given him, and his life promised him, that if all the magistrates in Christendom were combined together, they could not call him in question.

He never minded nor looked upon the court, but upon the people on all sides, and with an austere countenance.

Sir John Owen pleaded *Not guilty*.

The next day the earl of Cambridge being brought to the bar, Mr. Steele moved that he might answer his charge, which the president required him to do.

The earl desired time to put things into a method, and that
381 he might send to major-general Lambert, by whom he had articles given, and to Scotland, from whence he received his commission.

The court gave him two days to answer, and upon his motion for counsel, he had liberty to name them, which he said he could not, not knowing any one counsellor in England.

The lord Capel brought in, and demanded to plead in chief to his charge, did again insist upon the articles of Colchester, whereby, he said, he had fair quarter given him, and that all the gowns in the world had nothing to do with him.

Sir Thomas Widdrington moved before us.

12. Orders appointing the several judges to go the circuits this Lent, and for completing the number of judges in the several courts, and voted that the king's bench court should be called *the upper bench*.

Upper bench.

An act passed for some amendments in their commissions, and for a new oath to be given them, well and truly to serve the commonwealth in the office of a justice of the upper bench, &c., according to the best of their skill and knowledge.

New oath.

A certificate of the doctor and apothecary of the earl of Holland, that he could not with safety of his life be removed up to London, and a petition of his lady for favour to him, referred to the high court of justice to send for him if they should think fit. Earl of Holland.

Colonel Dean, colonel Popham, and colonel Blake, added to the commissioners of the navy. Navy.

An act for a new oath to be taken by every freeman in London, and in all other corporations, and for repealing the statutes 1 Eliz. and 3 Jac. of the oaths of allegiance and supremacy. New oath.

Letters from Edinburgh, that prince Charles was proclaimed king of Scotland by consent of the parliament there, with solemnity, and agreed that one earl, one baron, one burgess, and one divine be sent to invite him thither. Scotland.

The late king's body was interred at Windsor-castle, but the Common-Prayer not permitted to be used at his burial.

The last day of the term the commissioners sat till two o'clock, hearing motions; then we rose, and gave the new oath, and sealed new patents to the several judges according to the new act.

13. All private business put off for seven days.

Order for a new stamp for coin.

Debate touching power and instructions to be given to a council of state, and referred to a committee to bring in names. Council of state.

An act read for sale of deans' and chapters' lands.

The high court of justice sat, and the lord Capel being brought into the court, the attorney-general moved that the prisoner might make good his plea. High court of justice.

The president told the lord Capel, that he had put in a plea concerning articles, for proof whereof the lord general was by order of the court there present; that he had liberty to ask any thing of him; if not, then the council of the commonwealth were to offer what they could in proof of it. Lord Capel.

Then the attorney-general went on, and produced the general's letter to the parliament, upon the rendition of Colchester, and the articles and the explanation of them, whereby, and upon the testimony of the lord general and general Ireton, colonel Whaley, and colonel Barksted, all present by order of the court, it appeared,

That the lord Capel was to have fair quarter for his life, which was explained to be a freedom from any execution of the sword, but not any protection from the judicial proceedings of a civil court; and mercy was explained to be only from the promiscuous execution of the sword, but that he might be tried by a council of war.

But of this learning, I hope none of this nation will have use hereafter.

It was clearly proved that the articles were only to free him from the present power of the sword to take away his life, and colonel Berksted swore, that he told him, the day after the articles, that he believed the parliament would proceed against them that were taken at Colchester as traitors.

The council moved for judgment against the lord Capel, that he should be hanged, drawn, and quartered, at which he seemed to startle; and after a short speech to the court, he concluded, that however he was dealt with here, he hoped for a better resurrection hereafter.

Hamilton. Then the earl of Cambridge was brought to the bar, and required to make good his plea: he thanked the court for the time they had given, which, he said, was so short, that he could not be provided.

Upon his desire there were assigned to him for counsel Mr. Chute, Mr. Hales, Mr. Parsons, and Dr. Walker.

He desired leave to send to Scotland, and further time; it was answered, that it was for prisoners to prepare their proofs against the trial, he having been in prison so long; he replied, that during his six months' imprisonment he never sent about any private business, but only to get moneys to maintain him, and prayed the mercy of the court, that if they would spare him he might be useful, and that he was sorry for what he had done. He had two days' time longer given to him to prepare for his defence.

The burthen of the business of chancery lay heavy upon me, being ancient in commission, and my brother Keeble of little experience in practice, my brother Lisle of less, but very opinionative.

14. Vote for thirty-eight persons to be of the council of state, viz. earls of Denbigh, Mulgrave, Pembroke, Salisbury, lord Gray, Fairfax, general Grey of Groby, lord L'Isle, Rolles, St. John, Wilde, Bradshaw, Cromwell, Skippon, Pickering,

Massam, Haselrigge, Harrington, Vane junior, Danvers, Armine, Mildmay, Constable, Pennington, Wilson, Whitelocke, Martin, Ludlow, Stapeley, Heveningham, Wallop, Hutchinson, Bond, Al. Popham, Valentine, Walton, Scot, Purefoy, Jones.

Their powers were,

1. To command and settle the militia of England and Ireland.
2. To set forth such a navy as they should think fit.
3. To appoint magazines and stores, and to dispose them, &c.
4. To sit and execute the powers given them for a year.

Instructions passed for altering patents of sheriffs, and their oath, and a list of all the justices of peace brought into the house.

Major-general Middleton, who was upon his parole at Berwick, brake his word, and went to Scotland.

15. An act passed touching the accounts of sheriffs.

Debate upon the act for sale of deans' and chapters' lands.

The high court of justice sat, and the earl of Cambridge moved the court for further time, and new counsel, in regard that those formerly assigned to him for counsel refused to plead for him; which was granted to him. Hamilton.

In the house were the Dutch ambassadors in person, to receive the answer to their papers and addresses. 382 Dutch ambassadors.

16. Ceremonies upon the Dutch ambassadors going away.

Some sheriffs nominated.

Order for moneys for the judges going their circuits.

The high court of justice sat, and the lord Goring was brought to the bar, Mr. Coke, solicitor general, set forth the heinousness of his crimes at Colchester, in Kent, Essex, &c. Lord Goring.

He said he could not deny the matter of fact, in much of them, but should clear himself of some particulars.

Divers witnesses were produced *viva voce*, who proved the death of several of the parliament party before Colchester, the shooting of poisoned bullets boiled in copperas from the town, the cruel usage of the prisoners in Colchester, the lord Goring's reviling them, calling them *rebellious rogues*, the burning of six hundred houses at Colchester, and many other particulars.

The lord Goring, by way of defence, made a narrative of his proceedings since his last coming into England, acknowledged

his receiving a commission from the prince, and his giving commissions to others.

That what he did was out of a good intention for peace and accommodation; that treason not being in the intention, he could not be guilty of it; that he intended not to raise forces against the parliament: he pleaded his peerage, and the articles of Colchester, by which quarter was given him.

To this the counsel for the commonwealth replied, that a man's actions did best expound his intentions; that the lord Goring's actions spake him guilty of murder, treason, &c., that to his peerage, the power by which the court sat was an answer.

That for the articles of Colchester, though he had at first waved them, by pleading not guilty, yet he should have as full a benefit of them as the lord Capel, who had largely pleaded for them.

Sir John Owen.

Against sir John Owen, witnesses testified the death of the high sheriff of Caernarvon and others: sir John alleged that what he did was to free himself from violence and plunder; but it was proved that he was in the first war, had the articles of Conway, upon which he was admitted to compound, took the covenant and negative oath, and yet engaged a second time.

The earl of Holland was removed from Warwick-castle to London.

17. A declaration passed in answer to the Scots papers, and was ordered to be delivered to their commissioners, and to be printed and published.

Order to allow 1000*l.* per annum salary to each of the commissioners of the seal.

Order for the council of state to sit, and the members that desired it to have lodgings in Whitehall.

Seals.

Vote for two seals for the committee of estates, engraven with the arms of England and Ireland, and this inscription, *The committee of estates appointed by parliament.*

Order for the general and colonel Rich to sit in the house as burgesses elected for Cirencester.

The speaker acquainted the house with a letter he received from the prince elector, of his intentions to return to his own country, with some acknowledgment of thanks for favours to him; appointed to be read on Monday next.

The high court of justice sat, and witnesses proved the escape of the lord Capel out of the Tower: he pleaded that he did not escape as he was a prisoner of war, but as he was sent to the Tower in another condition. Lord Capel.

The earl of Cambridge urged, that the counsel assigned to him were not ready, for want of longer time, and held it not proper for them to plead in matter of law till the fact were first proved. Hamilton.

The court declared that he had been often moved to make his defence; whereupon he proceeded in it; produced his commissions from the parliament to command all the forces of that kingdom, and the order of the committee of estates there for him to advance into England; then the large declaration from Scotland.

He pleaded the ends thereof, being for his majesty's honour, the settling of religion and the covenant; he also pleaded the articles agreed unto by major-general Lambert, when he yielded himself prisoner to him, whereby he was assured by him of quarter and life; to prove which he produced the lord Grey, colonel Lilburn, and Mr. Peters for witnesses.

Concerning the point of naturalization, he pleaded, that his father being naturalized could not make him a subject of England, no more than the son of an Englishman born in any foreign parts was entitled thereby to any inheritance here; that he had a petition and bill prepared for his naturalization, but it passed not.

Colonel Whichcot, the governor and the marshal of Windsor-castle, proved the earl's escape after he had passed his word to the governor to be a true prisoner: the earl earnestly denied this, and offered upon it a challenge to the governor were he not in his present capacity; but it was left to the judgment of the court.

Many came daily to me upon the businesses they had in chancery; but I gave them all one answer, that I should hear their business in the court with patience, and according to the best of my judgment I should do them right impartially.

19. The letter from the prince elector was read, of the grounds of his return to his own country, returning humble Prince elector.

thanks for the favour of the parliament to him, desiring the continuance of his stipend, and the arrears of it to be paid.

The house ordered the arrears to be paid him, and the speaker to give him a pass for himself and his attendants' forty horses, but none other to go over with him.

Report by lieutenant-general Cromwell from the committee of estates, that, according to the order of the house, nineteen of the committee had subscribed for approving the king's execution, but that two and twenty of the committee, whereof I was one, had refused:

Not but that they confessed (except one) the commons in parliament to be the supreme power of the nation, and that they would live and die with them in what they should do for the future:

But they could not confirm what they had done in relation to the king and lords. This report was committed.

Debate about disbanding the Kentish forces, and referred to a committee, to examine the publishing of papers to proclaim the prince to be king.

Hamilton. The high court of justice sat, and witnesses proved that the earl of Cambridge was prisoner to the lord Grey before the articles with major-general Lambert were concluded.

383 Letters produced, signed with his own hand to sir Marmaduke Langdale, touching the carrying on of the design in England, and passages touching his friends in Colchester.

Proved also that he was called by the late king's writ to sit in parliament in the lords' house by the name of earl of Cambridge, and appeared as earl of Cambridge, and acted as a peer of England, sitting in the lords' house and in divers committees.

That as a peer of England he took the national covenant, and subscribed to it *Cambridge* in the house of peers, and took the negative oath before the commissioners of the great seal as a peer of England.

Scotland. Letters from Scotland, that sir Joseph Douglas was chosen by their parliament to go to their new proclaimed king, to acquaint him with what the parliament had done, and to desire him to take heed of evil counsellors.

That they are putting the kingdom into a posture of defence; colonels chosen in all the shires, and every fourth man to be arrayed and trained.

Letters from Pontefract, that one Beaumont, a priest, was executed, not for matter of religion, but for corresponding with the garrison in characters; and he chose to die rather than to discover the characters. Pontefract.

At the council of state they were all demanded to subscribe the test appointed by parliament for approving all that was done concerning the king and kingship, and for taking away the house of lords, and against the Scots invasion, &c. Test.

All the lords, and divers other members of the council, refused to subscribe this test; the general desired to be spared for what was past, as to subscribing; but he and the rest of the refusers affirmed, that for the future, if the parliament thought them worthy to be employed, they would join with them, and faithfully serve them.

Many of the commons, refusers to sign it as it then was, made divers scruples, some to one part of it, some to another. Scruples.

I scrupled that part of approving the proceedings of the high court of justice, because I was not privy to them, nor did know what they were in particular, nor ever heard any report of them made to the house; and not knowing what they were, I could not sign that paper to approve of them: the like was said by divers others.

20. Offer for merchants approved to send out ships at their own charge in the next summer's fleet.

Order for 3000*l.* for the maimed soldiers; and for sale of the crown-jewels, hangings, and goods, to raise money for the navy.

An act for the commons to call common-councils in London.

Debate about the act for sale of deans' and chapters' lands.

We swore Mr. Tomlyns the cursitor baron, and gave him a patent after the new style.

21. Letters directed from the house to the judges in their circuits to give order for due payment of the excise, and that all rioters against it be punished.

Upon a report from the council of state an act passed for repealing the commission to the earl of Warwick as lord admiral; and an act ordered to be brought in, giving power to the commissioners of the navy to command the fleet as the lord admiral had done. Earl of Warwick.

An act passed for the company of Weavers in London.

The Hart frigate revolted to the prince; the seamen set the captain on shore: the prince was courted at the Hague as king, but not by the States publicly.

Lord Capel. The high court of justice sat, and their order was read to the lord Capel, that they would hear what he could say this day, and then proceed to judgment.

He said, he was to be comprehended wholly in the martial law, and urged the articles again, which excepted trial after by parliament; that divers that were in Colchester in his condition had compounded.

That breaking prison for treason by common law was but felony, and benefit of clergy might be had: at last, when he could not get the resolution of the court to be referred to a trial by martial law,

He moved, that he might not be barred of additional defence, and that if he must be judged by the common law, he hoped he might have the full benefit of it.

He urged for it the late act, which saith, though king and lords be laid aside, yet the fundamental laws shall be in force.

He recommended to the court Magna Charta, and the petition of right, and pressed the consideration of the act made in favour of those who assisted king Henry VII, and the exception in the acts touching the lord Strafford and Canterbury, that they should not be drawn in precedent.

He desired to see his jury, and that they might see him; and to be tried by his peers; and said, he believed that a precedent could not be given of a subject tried for his life, but either by bill in parliament or by a jury.

Witnesses were heard against the earl of Cambridge.

22. Debate about the business of the navy, and to encourage the seamen.

Order that the council of state take care for preserving the library, medals, and statues at St. James's.

Expedient. An expedient assented unto, for the members of the council of state, that they should subscribe the test to approve of what shall be done by the commons in parliament, the supreme authority of this nation, but nothing of confirming what was past.

Referred to the council of state to take care for the preserving of timber for the navy.

The earl of Cambridge, brought before the high court, produced his witnesses, some of whom were disallowed, being officers under him, and so *participes criminis*. Hamilton.

He pleaded, that he had not broken the negative oath, for he had not engaged against the parliament, but for the ends in the Scots declaration.

His counsel moved that they might with the counsel of the commonwealth state the case to the earl, but this was denied, being in case of treason, and that the earl's counsel could only declare their opinions in point of law. Upon the earl's desire he had further time granted him.

The council of the army ordered some to prepare a draught of such things as might be presented by them to the parliament for the taking away of free quarter, and for provision of things due to the army. Army.

They ordered also a proclamation to be drawn up against private meetings of officers or soldiers, to the disturbance of the army; but the right of petitioning not to be hindered, provided it be orderly, first acquainting their officers.

Some officers were appointed to think of a way for punishing those that shall endeavour to breed any discontent in the army, who are not of the army. 384

23. An act touching sequestrations in South Wales, and in favour of the poorer sort there: the house accepted of a sum in gross from the delinquents there, except some persons.

Many members having absented themselves till the late storms were over, the house ordered, that none who have been absent since 31 December last, except military officers, should be readmitted till further order. Vote.

Order that the house do adjourn three days in every week, and committees to meet daily.

Debate how the public revenue might be brought all into one receipt, and referred to a committee.

The general published a proclamation against taking free quarter by some not of the army, and by his soldiers without a commissioned officer.

The earl of Holland being extreme ill, as was deposed by his physician, was appointed a further day to be brought before the high court. Earl of Holland.

24. Debate of advancing money, and easing the people of

taxes: they appointed a committee to consider of all parks, forests, woods, &c., belonging to the king, &c.

Navy. Allowance of 3*l.* a day to the commissioners of the navy, and that the mariners shall have so much for every gun they shall take from any of the revolted ships.

Cromwell. From the council of state Cromwell and his son Ireton went home with me to supper: where they were very cheerful, and seemed extremely well pleased: we discoursed together till twelve o'clock at night, and they told me wonderful observations of God's providence in the affairs of the war, and in the business of the army's coming to London and seizing the members of the house; in all which were miraculous passages.

As they went home from my house their coach was stopped, and they examined by the guards, to whom they told their names, but the captain of the guards would not believe them, and threatened to carry these two great officers to the court of guard.

Ireton grew a little angry, but Cromwell was cheerful with the soldiers, gave them 20*s.*, and commended them and their captain for doing their duty. And they afterwards confessed that they knew Cromwell and Ireton well enough, and were more strict with them than with others, that they might see they were careful of their duty, which they believed these great men came at this time purposely to observe.

Scots. paper. 26. The speaker acquainted the house with a letter the Scots commissioners sent him at their going away, which was without leave; the letter was full of bitterness against the parliament and their late proceedings against the king, the house of lords, and the secluded members.

Declaration. The house ordered guards to be sent privately to Gravesend after the Scots commissioners, to apprehend them; and passed a declaration to this effect:

That the paper did contain much scandalous and reproachful matter against the just proceedings of this parliament; and an assuming on the behalf of the kingdom of Scotland to have power over the laws and government of this nation, to the high dishonour thereof.

And a design in the contrivers and subscribers of it to raise sedition, and grounds of a new and bloody war in this land, and to second their late perfidious invasion.

That all persons in England or Ireland, who shall join with or

assist the said contrivers and subscribers upon the grounds laid in that paper are traitors and rebels, and shall be proceeded against as traitors and rebels.

Order that a duplicate of the paper be sent from this parliament to the parliament and kingdom of Scotland, to know whether they do or will own and justify this paper, presented in their names to the parliament of England.

John Lilburn delivered a paper to the house with the hands of many of his levellers to it, in the name of *Addresses to the supreme authority of England,* &c., propounding several alterations in the *Agreement of the people;* Lilburn.

As, that there be no intervals of parliament or council of state: that parliaments be annual, and in the intervals to intrust a committee of their own members; that in the agreement, there be a reserve from ever having any kingly government, and a bar against restoring the house of lords.

That tithes be quite taken away, the excise, customs, and merchants' companies; that there be no imprisonment of disabled men for debts; and a course to force all that are able to pay their debts, and not to shelter themselves in prison.

That provision be made of work, and comfortable maintenance for all sorts of poor, aged, and impotent people; a speedy and less troublesome way for deciding controversies in law, with these proposals:

1. That they would not dissolve the house till a new representative the next day be ready to succeed.

2. To put in practice the self-denying ordinance.

3. That the same persons may not be continued long in the highest commands of military power.

4. That a committee of the house may hear and conclude all controversies between officers and soldiers, and mitigate the law martial, and provide that it be not exercised upon persons not of the army.

5. To open the press for printing freely.

6. To abate the charge of the law, and the stipends of judges and officers, and to ease the taxes.

7. Above all, to dissolve the present council of state, which so much doth threaten tyranny; and to manage affairs by committees of short continuance, to be often accountable for their trust.

8. To prohibit upon strict penalty all committees, magistrates, and officers from exceeding their commissions, and to encourage complaints against them.

9. To satisfy, as to arrears of the soldiers, and as to accounts.

10. That the ordinance for tithes upon treble damages may be taken away.

Petition. Another petition of divers officers and soldiers of the army to the same effect with the other; and that the laws may be in our own language: both referred to a committee.

The high court of justice continued for a week longer.

Letters from Dublin of the great wants of colonel Jones, and of the conjunction of the enemy.

Hamilton. The counsel of the earl of Cambridge were heard before the high court of justice; they pleaded that the earl was no free denizen, and though his father was naturalized and his heirs, yet he not being born in the kingdom could receive no benefit thereof.

That if he had been a free denizen, yet it was not prejudicial to him, because he acted by command and authority of the parliament of another nation, (and not of himself,) who was governed by another distinct law.

The earl pleaded the articles given him by major-general
385 Lambert, who had power to do it, and secured him by a party of his forces; that he was ordered to be banished by parliament, paying 100,000*l.* for his delinquency.

27. The house sat not.

Earl of Holland. The earl of Holland was brought to the high court, and the charge of high treason read against him, and aggravated by the solicitor-general, that the earl was an eminent courtier, and probably did ill offices, and persuaded the king to go from the parliament, and went afterwards himself to Oxford.

That he returned from thence; had his sequestration taken off; that he published a declaration, promising, on the word of a gentleman and a Christian, that he would stand by the parliament; he took the negative oath and the covenant.

Yet the last year he engaged and probably contrived the insurrection wherein the duke of Bucks and his brother and others were drawn in; and he boasted that he should shortly be twelve thousand strong, and master the parliament, and restore the king.

The earl pleaded, that his fact was not capital, but criminal; that he had quarter given him when he was taken at

St. Need's; and that both houses had passed an order since for his banishment: the which excused the aggravations, especially in his last action.

Letters, that a peace was confirmed by articles between Ormond and the catholic party in Ireland, and a proclamation by Ormond for all to obey it. Ireland.

Letters from Scotland, that the messengers from their parliament were come to the king; that the Scots parliament made a law that adultery should be punished by death. Scotland.

I was high steward, and keeper of the park of Greenwich, which I resigned to the earl of Pembroke, in exchange of the manor, walk, and lodge in the great park of Windsor.

28. The monthly fast.

Order for a day of public humiliation throughout the kingdom.

A committee appointed to bring in an act to take away the monthly fasts, and to have fast-days ordered as there shall be particular occasion. Fasts.

A committee to draw up a new oath, instead of that of supremacy, to be taken by papists.

The Scots commissioners, being apprehended at Gravesend, referred to the council of state to send them to Scotland with a guard by land; and that they write a letter to the parliament of Scotland of their late carriage, and to know how far that parliament will own the same. Scots.

An act passed giving power to any ten of the common-council of London to call a court, and forty members to be a common-council, in case the lord mayor and aldermen refuse. London.

An act passed for disabling the malignant magistracy of Norwich. Norwich.

March 1648.

1. The house sat not.

The council of state made several orders in relation to the navy; and that the committee of the army do certify to them the arrears of the army, and what proceedings have been about settling their debentures.

Upon a petition of the countess of Holland to the high court, and proof of the earl's being very sick, the court gave him further time to answer.

The council of the army passed a petition to present to Army.

the house; and the general presented to them a letter, subscribed by eight troopers, of several regiments, and delivered to him.

The effect of it was, to assert the soldiers' right to petition without their officers' consent; and it was high against the council of state and high court.

This was ill resented by the officers; and each of them present, by the poll, disavowed and disapproved the letter, as tending to divide and disunite the army: five of the eight troopers were committed till they should be cleared by a court martial.

C. Whaley. 2. Colonel Whaley, and divers other officers of the army, presented a letter from the general, with a petition from the general council of the army, to which the general concurred: their desires were,

Petition.
1. That free quarter be forthwith totally taken away.
2. For provision for constant pay of the army.
3. For receivers to account.
4. Abuses of clipt money to be redressed.
5. Soldiers' accounts to be stated, and debentures given out.
6. Security for them by deans' and chapters' lands, or otherwise.
7. For satisfaction for soldiers' horses slain or lost in fight.
8. For maintenance for maimed soldiers and widows of soldiers.
9. For relief of Ireland.
10. For the supply of the Irish officers come from Inchequin, &c.

Order, that these matters be taken into consideration, and thanks returned to the petitioners.

Referred to the council of state to consider what forces are fit to be maintained in this kingdom and in Ireland, and to bring in an estimate, that the house may make an establishment for all.

Order for recruits of horse, according to the petition.

Referred to the council of state to consider what is fit for the house to do at present concerning Ireland.

Standard. Referred to a committee to consider of the standard in the old palace, and of taking it down, and selling it.

Sir George Ascue. Order for sir George Ascue to command as admiral of the Irish seas, and for several others to be commanders of ships.

Order for 200*l.* for the Irish officers.

An act passed concerning sequestered estates; in the northern counties to be sold for the ease of the people.

Referred to the committee of the army to remove the obstructions in stating the soldiers' accounts.

An act read and committed for bringing receivers, &c. to account.

3. The earl of Holland before the high court pleaded the same plea he had done before, of free quarter given him, and witnesses were examined on both sides: he desired counsel, but it was denied. Earl of Holland.

The earl of Cambridge made an additional defence, not much varying from what he had said before; in answer whereunto, the counsel of the commonwealth did speak five or six hours. Hamilton.

Four of the eight troopers who presented the petition to the general and general council were brought and tried before the court martial; and the paper delivered by them to the general was adjudged by the court to be scandalous to the parliament, the council of state, the high court of justice, and tending to divide the army. 386

Upon the fifth article of war, against reproachful and scandalous words and actions, the court martial sentenced these four troopers to ride the horse with their faces to the tail, their swords to be broken over their heads, and to be cashiered the army.

5. Upon a report from the council of state, an estimate was made by them of the charge of all forces, in field and garrison, in England and Ireland, to be 160,000*l.* per mensem. Order for an act to be brought in thereupon. Charge.

An act passed to empower the commissioners of the navy to execute martial law. Vote.

An act read to abolish kingly government.

Order for the council of state to consider of increase of allowance for encouragement to such officers of the fleet as shall deliver back their charges without embezzlement of the stores, or other abuses to the state.

Referred to the commissioners of the admiralty to provide a convoy and ship of war for the prince elector and his retinue. Prince elector.

Sir John Pawlet's composition at 3760*l.* allowed, and 4200*l.* for the lord Pawlet.

An act for a new seal for the courts of Wales, and for Powell, Eltonhead, Parker, and Clerk to be judges there.

Scotland. Letters from Scotland, that the parliament resolved to raise an army of seventeen thousand foot and six thousand horse against the sectarian army in England, in prosecution of the covenant, they having a report that an army of English was upon their borders.

That colonel Monroe and colonel Fizen, with a party of horse and foot in the northern parts of Scotland, having declared for king Charles II, taken Inverness, and increased to four thousand; the Scots parliament repealed their votes of raising an army against England, and ordered forces against Monroe and his party.

Pontefract desired a treaty, and were full of sickness in the garrison.

Standing army. 6. Report from the council of state of forty thousand horse and foot to be kept up in England and Ireland, whereof twelve thousand for Ireland; their pay to be 80,000*l.* per mensem, and free quarter to be taken off.

Mr. Cauton, a London minister, in his prayer before the lord mayor, having prayed for Charles II. as lawful king, referred to Mr. Steele and Mr. Coke to prosecute him in the upper bench for treason, upon the late declaration.

Letters of proclaiming king Charles II. in Guernsey island by sir George Carteret.

Letters from Holland, that the ministers there, in their pulpits, inveigh against the proceedings in England, and pray for king Charles II.

Referred to the council of state to consider what is fit to be done herein, and to preserve a good correspondence betwixt the two nations.

Hamilton. The earl of Cambridge brought before the high court, and asked what he had further to say why sentence should not be pronounced against him, spake to the same effect as formerly.

The earl of Holland and lord Goring extenuated what they could their offences, as being rash, not much hurtful, &c.

The lord Capel briefly repeated what he had formerly said, and further observed an ordinance of parliament, that quarter should not be given to Irish rebels for life, which implied, that quarter given to others should be inviolable for life.

Sir John Owen pleaded quarter.

The president, in his scarlet robes, spake many hours in

answer to the several pleas of the prisoners; and at last sentence was given against them all, that their heads should be severed from their bodies, yet with relation to the mercy of parliament.

7. Referred to a committee to draw up an act for taking off all privilege from noblemen, and to make their persons as liable to law as any commoner.

An act committed for taking away kingly government, and another for dissolving the house of peers.

The earl of Warwick and the countess of Holland presented a petition for the life of the earl of Holland, and divers ladies for the others, against whom the high court had pronounced sentence of death.

After some hours' debate upon these petitions, the house resolved upon the question, not to proceed any further upon these petitions, but to leave them to the justice of the court that sentenced them.

Then the ladies petitioned the high court, who only reprieved the execution for two days.

8. A new form for electing members of the house assented to.

Order, that the council of state, nor committees, do not sit after nine in the morning, when the house sits.

Orders for 70,000*l.* per mensem for the forces in England, and 30,000*l.* per mensem for the forces in Ireland, and for an act for 80,000*l.* per mensem assessment for the forces; and free quarter to be taken off.

New petitions of the condemned lords, and a letter from the general touching their articles; and after a long debate, the question was put of them severally, and voted, Votes.

That the lord Capel should not be reprieved. L. Capel.

And carried by one vote that the lord Goring should be reprieved: this one vote was the speaker, who carried the house, being equally divided, four and twenty of each part; and he said he did it, because he had formerly received some civilities from the lord Goring, and his single vote now saved his life. L. Goring.

The house was also divided upon the question, whether the earl of Holland should be reprieved or not, and the speaker gave his voice against him.

Thus the lord Goring, who had been no friend to the reli- Earl of Holland.

gious party, was saved; and the earl of Holland, who had been a most civil person to all, and a very great friend to the old puritans, and protected them in the time of his greatest interest, by the same single vote lost his life.

This may be a caution to us against the affectation of popularity, when you see the issue of it in this noble gentleman, who was as full of generosity and courtship to all sorts of persons, and readiness to help the oppressed, and to stand for the rights of the people, as any person of his quality in this nation.

Yet this person was by the representatives of the people given up to execution for treason; and another lord, who
387 never made profession of being a friend to liberty, either civil or spiritual, and exceeded the earl as much in his crimes as he came short of him in his popularity, the life of this lord was spared by the people.

Hamilton. The resolution touching duke Hamilton's reprieve passed in the negative, and for sir John Owen in the affirmative, and these votes ordered to be sent to the high court of justice.

9. Amendments to an act for provision for the forces of England and Ireland assented to.

The house rose early, being thin, because of the execution of the lords.

Hamilton. The earl of Cambridge was brought to the scaffold in the Palace-yard at Westminster, and after some discourse with Dr. Sibbalds, a minister that came with him, he turned to the people, and seeing them so great a multitude, he said his voice would not serve for them to hear him, and therefore directed his speech to those upon the scaffold with him.

He confessed his religion to be according to that of the kirk of Scotland, that he had ever been loyal to the late king, and wished well to his posterity, and that none more desired the peace and happiness of this and other kingdoms than himself.

That his coming into England with the late army was out of no treasonable or ill intent, but for the ends contained in the Scots declaration, and what he did was as a servant to that parliament and kingdom.

That in that employment, next to the settling of religion, the establishing the king was his greatest aim; and he wished his blood, in order to the peace of the kingdom, might be the

last that should be spilt. That if he would have confessed who invited the Scots army into England, it would probably have saved his life.

Then he made a short prayer, Dr. Sibbalds kneeling with him, and being risen he cast off his cloak and doublet, put on a little white satin cap, forgave the executioner, and gave him 10*l.*; a little after, he spake a while in private with his servants, and again made a short prayer.

His countenance was cheerful, and all the time of his being on the scaffold there appeared in him no fear, disorder, change of countenance, or discomposure. He took his leave of Dr. Sibbalds, embracing him; and of his servants, whom he commended, particularly Mr. Lewys his secretary.

He laid down his head upon the block, and after a short prayer he gave the signal, by stretching out his hand, and the executioner struck off his head at one blow; which was wrapped in a red sarcenet scarf, and with his body put into the coffin and carried away.

Next came upon the scaffold the earl of Holland, who was accompanied by Mr. Hodges and Mr. Bolton, ministers, divers of his servants and other gentlemen with him: from Mr. Hodges, a person of eminent parts and piety, and who it is believed would not tell an untruth, was this relation: Earl of Holland.

That between the time of his sentence and execution he only lay in the earl's bedchamber, to discourse with him, and to comfort him, being admitted and desired by him to that freedom, when he would not see his lady nor any of his children, which, he said, would add too much to his sorrow, and discompose his thoughts, which were now to be set only upon another world.

That the earl for several days after his sentence was in great perplexity and agony of his thoughts, and said, he had not assurance of pardon of his sins, and of the love of God to him; that he was not prepared to die, that Christ would not be advantage to him.

Mr. Hodges endeavoured to allay these doubtings, and to comfort the earl with declaring to him the infiniteness of God's mercies, and his willingness to pardon all poor sinners that come to him through Christ; that never any that sought the love of God in Christ, with a true faith in Christ, did ever fail to obtain the assurance of it to his distressed soul.

The earl desired Mr. Hodges to pray with him, to seek

God for this mercy; which Mr. Hodges did; and upon this subject with as earnest a seeking of the Lord for it as he could express; and the earl himself frequently prayed to the same effect, and with wonderful fervency of expression.

That still the earl continued in a desponding condition, till the day before his suffering, when immediately after prayer the earl with rejoicing told Mr. Hodges, that God had heard their prayers, and his Spirit was come in to comfort him; that he had prevailed, through the strength of Christ, over Satan and all his spiritual enemies, and all temptations; that the Lord had given in to him an assurance of his love in Christ; and that now he was both ready and willing to die.

Mr. Hodges was much joyed at this, and they then went to prayer together, to bless God for this great mercy, and to beg the continuance of this frame of spirit to the last; and God heard them in this also.

The earl, who had not slept several nights before, nor eat his meat, now supped and went to bed, with no more disturbance in his spirits than in his best health, and slept so soundly all the night and this morning, that they were much troubled to awaken him.

He went to the scaffold without being any whit daunted, and after some discourse with the gentlemen, he shewed himself to the people, who were generally moved with sorrow for the suffering of so gallant a person, whose mien and comeliness would move compassion.

He directed his speech to the people at the front of the scaffold towards Westminster-hall, made a large profession of his religion as a protestant, mentioned his birth and education, excused his going to the king from the parliament, and return to the parliament again, and extenuated his late insurrection.

After he had ended his speech, he turned to the other side of the scaffold, and kneeled down to his private prayers, after which he had conference with Mr. Hodges and Mr. Bolton.

Then he pulled off his gown and doublet, having on him a white satin waistcoat, and put on a white satin cap, and prepared himself for the block, took his leave and embraced with much affection Mr. Hodges, Mr. Bolton, his servants, and others, forgave the executioner, and gave him money, 10*l.* in gold.

Then he laid himself down on the block, prayed a while, and gave the sign by stretching forth his arms, upon which the executioner severed his head from his shoulders at one blow, which with his body was presently put into a coffin and carried away.

I have been the more large in relating the sufferings of this gentleman, the earl of Holland, because he was my particular friend, whose memory I honour.

Next was my lord Capel brought to the scaffold, much after the manner of a stout Roman; he had no minister with him, nor showed any sense of death approaching, but carried himself all the time he was upon the scaffold with that boldness and resolution as was to be admired. Lord Capel. 388

He wore a sad coloured suit, his hat cocked up, and his cloak thrown under one arm; he looked towards the people at his first coming up, and put off his hat in manner of a salute; he had a little discourse with some gentlemen upon the scaffold, and passed up and down in a careless posture.

He went to the front of the scaffold, and, leaning over, made a speech to the people: he said he died a protestant according to the religion professed in the Thirty-nine Articles, the best he knew of.

That he was condemned for keeping the fifth commandment written by God's own finger, which commanded to obey magistrates; and he died for obeying his king, the most religious of all princes, and his son prince Charles, who, he said, was king, and the rest of the king's children heirs to the crown.

He concluded with a desire to the people to pray for him, and after a short discourse with some on the scaffold he spake once or twice to the executioner, and gave him money; then he put off his cloak and doublet with much confidence, and put on a white cap, took leave briefly of the gentlemen on the scaffold, and prepared for the block;

Where, laying himself down, with hands and eyes lifted up, he prayed a while; after that, fitting himself to the block, upon the signal of stretching forth his right hand, the executioner severed his head from his body at one blow, which were coffined up and carried away.

The first general seal the commissioners sat in the Middle-Temple-hall, and did not go to Westminster, because of the trouble, and multitudes of people and guards in the Palace- General seal,

yard, upon the execution of the lords: but they found their meetings to be more convenient out of term and in the afternoons in the Temple-hall, both for them and for the counsel.

10. The salary of 1000*l.* per annum to each of the judges was changed from the receipt of the customs to the revenue.

Poor prisoners. Debate of an act to constitute commissioners to discharge poor prisoners who have lain long in prison, and have no estates to pay their debts; and to force those who have estates, yet keep them and continue prisoners, but have liberty from their keepers, and will not pay their debts, but go abroad as if they were not prisoners.

The house adjourned till the afternoon, but there were so few members that they could not sit.

Wales. Letters that a ship of Washford in Ireland landed some men in the night on the coast of Wales, under the house of one Mr. Griffith Jones, and told him that they were for prince Charles king of Ireland, whereupon he opened his doors, but they carried him away prisoner, and plundered his house; yet a party of the parliament's horse, quartered not far off, came in, saved some of the goods, and took the quartermaster of the ship and five mariners.

Bradshaw. At the council of state, sergeant Bradshaw took his place of lord president of the council; but he seemed not much versed in such businesses, and spent much of their time by his own long speeches.

Prisoners of war. 12. Major-general Laughern, Poyer, and Powel, referred to be tried by a court-martial. And referred to a committee to consider of other prisoners of war, who are fit to be banished, who for perpetual imprisonment, who for execution, and who for composition.

Mr. Walter Montague, prisoner, had leave, upon security, to go beyond seas.

Order to reduce interest money to six per cent.

Committees appointed about compositions of delinquents, and about the several receipts for moneys.

Order for the arrears of colonel Thorney, slain in Lincolnshire in the parliament's service, to be stated, and his son to have 100*l.* per annum.

Sergeant Bradshaw made chief justice of Wales.

Pontefract. The garrison of Pontefract brake off their treaty of rendi-

tion, because major-general Lambert insisted to have some excepted from mercy, whereupon some papers with stones were thrown over the walls to inform the soldiers of it, and then they came to a new treaty.

Letters from Scotland, that the enemy at Inverness marched out four thousand strong, and expected six thousand Danes to join with them; that the parliament there were very angry at the stopping of their commissioners in England; and that they are near to an agreement with their new king Charles II. Scotland.

A petition from divers well affected in Norfolk, directed to his excellency Thomas Fairfax, lord general of the forces raised for the defence of the gospel of Jesus Christ, and the enlargement of the liberty of the well-affected English, Norfolk petition.

Recites the sins and corruptions of the times, and in all professions; and prays,

1. That none but men of known integrity, fidelity, and well-affected to the cause in hand, may be put into any office, military or civil, and no delinquent to be trusted in any office.

2. That no longer the scandalous, ignorant, and malignant clergy may take the word of God into their mouths, but a godly and painful ministry to be placed throughout the kingdom; that for their maintenance all rectories may be restored: those in the hands of well-affected men to have a valuable recompense out of the bishops' lands; those in delinquents' hands to be taken away.

Tithes to be wholly taken away, and every minister to have 100*l.* per annum, to be rated equally upon the respective parishes.

3. That the Lord's-day, fast-days, and the like, be kept wholly from all manner of employment, except upon necessity.

4. That the laws against swearing, cursing, and drunkenness be put in execution, that there may be no more inns nor alehouses but what are needful to entertain strangers going about lawful businesses, and no gaming, nor any to be unlicensed.

5. Papists to have no more but to maintain themselves reasonably, and their children to be bred protestants.

6. Schools and the universities to be purged.

7. That all courts in the country be put down, and all causes under 10*l.* value to be judged by two or three neighbours to be chosen by the parties; and perjury, and subornation of it, to be death. All suits in equity to be tried by juries, not by common law.

Witnesses to be examined before the judge, except between two nobles, knights, &c., who are able to stand a long suit in chancery. No cause to hang above two terms; lawyers to be reduced to a

smaller number, and their fees to be less and certain, and but one counsel in small causes.

8. That who will may purchase lands to be freehold in soccage
389 for a reasonable fine; and that the base oath of fealty and homage may make no more perjured souls in the kingdom.

9. That the army be purged of all disaffected to the cause; and swearing and other sins be punished therein.

10. That all taxes be taken off, and the army paid, and satisfaction to the well-affected out of delinquents' estates, deans' and chapters' lands, &c.; that the crown lands defray the pensions of the judges, the charges of the navy, &c.

11. That authors, printers, and publishers of scandalous and lying pamphlets be suppressed, and severely punished.

12. That clipt and counterfeit money be called in.

13. That fairs be kept only in market-towns, and small fairs forbidden.

14. For purging the parliament, setting godly guards about them, bringing capital offenders to justice, and settling religion according to the mind of God.

Letters from the Hague, that the prince was there generally owned as king, that the episcopal doctors flocked to him, that Dr. Critton had a check for his railing sermons.

Council of state. The house sat not: at the council of state they had some intelligence that looked dangerously, and they expected difficulties: that which seemed of most threatening was their own divisions, and such petitions as that before mentioned.

Scotland. 14. A letter from the parliament of Scotland about the confinement of their commissioners, and justifying the papers delivered in by them: referred to the council of state.

Referred to them to consider of forces to be sent to Ireland, and to nominate a general and other chief officers.

One of the parliament's frigates went to sir George Carteret to Guernsey, who, after he had got possession of her, turned off all the mariners.

An act passed for a new seal for Cheshire, Flintshire, &c.

Order that I should be enjoined to bring in a declaration to satisfy the people touching the proceedings of parliament.

Prince elector. Order for divers members and the master of the ceremonies to attend the prince elector to Gravesend. That the committee of the revenue provide barges, &c., and that the speaker and members wait on the prince to take leave of him.

Vote. Trials for life. Upon a report from the council of state, voted that sir John Stowell and judge Jenkins be tried for their life.

That Wren bishop of Ely and the marquis of Winchester be not tried for life, but imprisoned till further order of the house.

That colonel Brownbushell be tried for his life.

That the prince, duke of York, and divers lords of the king's party be banished.

Orders for compositions for delinquents.

The confederates in Ireland sent to the prince to come thither, that they would proclaim him king of Ireland, and join with him against England. Ireland.

15. The house sat not.

The council of state nominated lieutenant-general Cromwell to be general for Ireland. Cromwell.

Mr. Munday, an Irish rebel, was shot to death by sentence of the council of war, and James Wilson to ride the wooden horse with a musket at each leg, and to run the gantelope at Lancaster.

Articles of peace between the king of France and the Parisians were agreed upon.

At the council of state we had great businesses, and long sitting.

16. Letters from the Hague, that their ambassador lately returned from England reported the many civilities and honour he had received in England from the parliament and army. Dutch ambassador.

I brought in the draught of a declaration touching the proceedings of parliament in the late transactions.

Upon my report of the declaration, it was moved to pass it presently, without any commitment; but I moved it might be committed, to amend some faults in it, and upon the commitment they made it much sharper than I had drawn it, and added divers clauses which I thought matters fit to be omitted.

After this, it was much pressed to set a time for dissolving this parliament; most of the house disliked to set a time, as dangerous; but agreed, that when the business of the kingdom would permit, that then it should be dissolved.

17. Order for a public fast.

This declaration passed touching the transactions of parliament, and ordered to be printed in English, Latin, French, and Dutch.

Kingly office abolished.

An act reciting Charles Stuart to have been justly condemned, and put to death for many treasons, murders, and other heinous offences by him committed. And that it hath been found by experience the office of a king in this nation and Ireland, and to have the power thereof in any single person, is unnecessary, burdensome, and dangerous to the liberty, safety, and public interest of the people, and that for the most part use has been made of the regal power and prerogative to oppress and impoverish and enslave the subject, and that usually and naturally any one person in such power makes it his interest to encroach upon the just freedom, and to promote the setting up of their own lust: therefore the office of a king in this nation henceforth not to reside or be exercised by any one single person. And whereas, by the abolition of the kingly office, a most happy way is made for this nation (if God see good) to return to its just and ancient right, of being governed by its own representatives or national meetings in council from time to time chosen and intrusted for that purpose by the people, they resolve and declare that they will put a period to the sitting of this present parliament, and dissolve the same, so soon as may possibly stand with the safety of the people that has intrusted them, and with what is absolutely necessary for the preserving and upholding the government now settled in the way of a commonwealth. And that they will carefully provide for the certain choosing, meeting, and sitting of the next future representatives, with such other circumstances of freedom, in choice and equality in distribution of members to be elected thereunto, as shall most conduce to the lasting freedom and good of this commonwealth.

Votes touching compositions of delinquents.

Order for every member to meet by nine in the morning upon forfeiture of twelve pence for every default.

Elections.

Debate of making elections of parliamentmen more equal, and not to be engrossed in some few corporations.

Petitions.

19. A petition from the well-affected of Leicestershire:

1. That the militia may be in good hands.

2. That the army may be provided for, and all delinquents' estates to go for that end, and free quarter be taken off.

3. That the profits of great offices may be employed for the public.

390 4. That the laws may be according to those God gave his people, and plain and short, in the English tongue and hand.

5. That tithes may be taken away, and a more equal provision for the ministry.

6. That officers of treasure may account.

7. That all may enjoy their freedoms to worship God according to his word, without coercive courses to the contrary.

8. For relief for Ireland.

9. For provision for the poor, and to set them to work as they do in Holland.

The petition was commended, and the petitioners had the thanks of the house.

Captain Bray presented books to the members of the house, entitled, *An appeal against the lord Fairfax, general,* containing matter of charge against him, to have him outed of his command in the army; Pamphlet. Fairfax.

Which being read, captain Bray was called in, and asked if he would own the book, which he did, and the house voted the book to be scandalous as to the general and council of war, and tending to stir up sedition in the people and mutiny in the army; and the captain was committed prisoner to Windsor-castle.

Upon information that the Turkish Alcoran was printing in English, ordered to suppress it. Alcoran.

The committee of lords and commons for sequestrations repealed; and a committee named to consider of a way for appeals upon sequestrations.

Votes touching compositions, and some excepted persons.

Order for justices of the peace to meet monthly, and make provision for the poor, and to set them to work, and to find out engrossers of corn and coal.

An act passed, that the commons of England, assembled in parliament, finding by too long experience the house of lords to be useless and dangerous to the people of England to be continued, ordain from henceforth the house of lords in parliament to be wholly abolished and taken away; nevertheless, they nor their posterity to be excluded from the public councils of the nation, but to have their free vote in parliament as other members when duly elected. House of peers abolished.

In the house business went on slowly as heretofore, and not without great difference in opinion, and some animosities, the most mischievous of all other things to their interest. Animosities.

20. The house sat not.

The council of state had consideration of the business of the navy, and several merchants attended in it.

The lady Carlisle was examined about the last summer's insurrection, and confined by the council. Lady Carlisle.

They consider also the letter from the parliament of Scotland upon staying of their commissioners here:

Scotland. Which they allege to be contrary to the covenant, league, and union between both nations, in breach of the treaties, and contrary to the public faith and law of nations, by which the freedom of ambassadors and commissioners is sacred and inviolable, not only betwixt Christians, but even among heathen kingdoms and states: they desire their commissioners may be freed from all restraint.

Disband. Letters from Lancaster, that the forces of colonel Aston (about four thousand) refuse to disband, profess for the covenant, and are encouraged by the clergy; that major-general Lambert is gone to disband them by force, if there be no other way.

The Scots anti-covenanters offered to join against the sectaries in England.

Bradshaw. In the council of state, the president Bradshaw spent much of their time in urging his own long arguments, which are inconvenient in state matters; and his part was only to gather the sense of the council, and to state the question, not to deliver his own opinion.

21. Vote that papists in arms might compound at a moiety of their estates.

Reference to the three commissioners of the navy of matters relating to the fleet.

A letter from the lord chief baron Wilde, of the mayor and justices of Exeter refusing to appear at the assizes, referred to the council of state, and referred to them to take care against the engrossing of coal from Newcastle.

A book of the Lancashire ministers, called *The Agreement of the People*, referred to the committee of plundered ministers to examine.

22. The house sat not; but divers committees to prepare business for them.

The countess of Carlisle was again before the council of state, about the last summer's engagement.

A complaint to the council of the army against Woolaston, keeper of Newgate, and an officer sent to desire justice against him.

The king of France's agreement with the Parisians was refused by them.

Denmark. The king of Denmark sent an ambassador to prince Charles, to offer him assistance.

A minister of the Hague, in the presence of divers others his brethren, made a complimental speech to prince Charles, and styled him *most illustrious king*.

The Swedish resident at the Hague made great rejoicing for the peace in Germany; at every health thirty pieces of ordnance were discharged; two fountains were made to run with claret and white wine; and in their fireworks (as the letters relate) the name of the queen of Sweden might be read very perfectly.

The parliament's declaration of their grounds and intentions of their late transactions published.

23. An act committed for relieving and setting the poor to work.

Order for the lord mayor and sheriffs of London in person to proclaim the act for dissolving kingly government; and a writ agreed for proclaiming it in the market towns of the several counties by the sheriffs. Kingly government.

Order for 8000*l.*, which should have been paid to the Scots, to be for the navy.

Order for commissioners, not members, to be appointed to inventory the goods and personal estate of the late king, queen, and prince, and apprize them for the use of the public.

Order for an act to be brought in to satisfy well-affected persons, to whom the king, queen, or prince were indebted before the wars, out of the value of those goods and estate; but that the first 30,000*l.* to be raised by them be for the use of the navy, the council of state to keep such of the goods as they should think fit for the use of the commonwealth.

An act for an assessment of 90,000*l.* per mensem, ordered to be debated in a grand committee.

Order for a commission to the judge and other officers of the admiralty to try and give sentence on such seamen, prisoners, as revolted to the enemy.

A report from the council of state of several great ships to 391
be presently set out to sea, approved.

Referred to them to consider of raising moneys by the forests, chases, and parks, and the timber in them, which is unfit for shipping.

The council of the army named two officers of every regi- Cromwell.
ment to meet, and seek God, what advice to offer to the general concerning Ireland; and the lieutenant-general Cromwell

was to give in his answer to the council of state, whether he will go for Ireland or not, within two days.

24. The house sat in a grand committee upon the ordinance for assessments for the army.

Ireland. The council of the army proposed encouragements for those who would engage for Ireland, and the regiments to be drawn out by lot.

Ormond. Letters that Ormond proclaimed king Charles II in Ireland, and sent a letter to colonel Jones to advise him to come in to the obedience of the king; and promising him great rewards if he do it, and safety to all that come in with him and leave the pretended parliament of England, who have murdered their king and would introduce anarchy.

Colonel Jones. Colonel Jones returned answer, that he understood not how his lordship came to that power; that the parliament of England would never have consented to such a peace as his lordship made with the rebels, without any provision for the protestant religion;

That he knew not how that could be established by an army of papists, to whose hands his lordship had given up that whole kingdom; that he had rather suffer in his trust, than to purchase to himself the ignominy of perfidy by any advantage offered to him.

Pontefract surrendered. Letters that Pontefract-castle was surrendered upon articles; six persons were excepted, whereof three escaped; that the soldiers and officers were to go to their homes, first subscribing an engagement not to advise, act, or take up arms against the parliament or commonwealth of England; that they had two months' provisions, and forty barrels of powder in the castle.

25. Easter-day.

END OF VOL. II.